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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 8 दिसम्बर, 2006

(आयकर)

का.आ. 64.—जबकि आयकर अधिनियम, 1961 (1961 का 43) (यहां आगे उक्त अधिनियम कहा गया है) की धारा 80 झ क की उप-धारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार ने 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2002 को समाप्त होने वाली अवधि के लिये संख्या का.आ. 193(अ), दिनांक 30 मार्च, 1999 के ज़रिए तथा 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2006 को समाप्त अवधि के लिए संख्या का.आ. 354(अ), दिनांक 1 अप्रैल, 2002 के ज़रिए भारत सरकार वाणिज्य और उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग) की अधिसूचनाओं द्वारा औद्योगिक पार्क की योजना निर्मित और

अधिसूचित की है;

और, जबकि मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इनवेस्टमेंट कारपोरेशन लि. जिसका पंजीकृत कार्यालय उद्योग भवन, तिलक मार्ग, जयपुर-302005 में है, इंडस्ट्रियल एरिया स्टोन पार्क, मंदौर, जौधपुर, राजस्थान-342004 में एक औद्योगिक पार्क का विकास कर रहा है;

और जबकि केन्द्र सरकार ने इस अधिसूचना के अनुबंध में उल्लिखित शर्तों के अधीन वाणिज्य तथा उद्योग मंत्रालय के दिनांक 13-12-2005 के पत्र सं. 15/115/2005-आई पी एंड आई डी के अन्तर्गत उक्त औद्योगिक पार्क को अनुमोदित किया है;

अब इसलिए उक्त अधिनियम की धारा 80 झ क की उप-धारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा उक्त खंड (iii) के प्रयोजनार्थ औद्योगिक पार्क के रूप में मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इनवेस्टमेंट कारपोरेशन लिमिटेड, जयपुर द्वारा विकसित तथा अनुशिक्षित एवं प्रचालित किए जा रहे उक्त उपक्रम को अधिसूचित करती है।

अनुबंध

शर्तें जिन पर भारत सरकार ने मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लिमिटेड, जयपुर द्वारा औद्योगिक पार्क गठित किए जाने हेतु अनुमोदन प्रदान किया गया है।

- (ii) प्रस्तावित स्थान : इंडस्ट्रियल एरिया, स्टोन पार्क, मंदौर, जोधपुर, राजस्थान-342004
- (iii) औद्योगिक पार्क का कुल क्षेत्रफल : 49.92 एकड़
- (iv) प्रस्तावित कार्यकलाप :
1. (i) औद्योगिक उपक्रम का नाम : राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लिमिटेड

एन आई सी संहिता के साथ औद्योगिक कार्यकलाप का स्वरूप

एन आई सी संहिता					विवरण
क्रम सं.	अनुभाग	प्रभाग	समूह	श्रेणी	
क	2 एवं 3	—	—	—	विनिर्माण
(v)	औद्योगिक उपयोग के लिए प्रस्तावित आबंटनीय क्षेत्र का प्रतिशत	:	100%		औद्योगिक कार्यकलाप हेतु सामान्य उपयोग के लिए हैं जो निर्धारणीय हैं एवं वाणिज्यिक दृष्टि से उपलब्ध कराई जाती हैं।
(vi)	वाणिज्यिक उपयोग के लिए निर्धारित भूमि का प्रतिशत	:	शून्य		4. दिनांक 1 अप्रैल, 2002 की का.आ. 354(अ) के पैराग्राफ 6 के उप-पैराग्राफ (ख) में निर्दिष्ट तालिका के कॉलम (2) में उल्लिखित कोई एकल इकाई किसी औद्योगिक पार्क के लिए नियत औद्योगिक क्षेत्र का 50% से अधिक हिस्सा धारित नहीं करेगी। इस प्रयोजनार्थ किसी इकाई का आशय एक या एक से अधिक राज्य अथवा केन्द्रीय कर कानून के प्रयोजन के लिए किसी अलग तथा भिन्न कम्पनी से है।
(vii)	औद्योगिक यूनिटों की न्यूनतम संख्या	:	30 यूनिटें		5. आवश्यक अनुमोदनों, जिनमें विदेशी निवेश संवर्धन बोर्ड अथवा भारतीय रिजर्व बैंक अथवा यथा समय प्रवृत्त किसी कानून के अन्तर्गत विनिर्दिष्ट किसी प्राधिकरण के द्वारा विदेशी प्रत्यक्ष निवेश अथवा अनिवासी भारतीय निवेश भी शामिल हैं, को प्रवृत्त नीति तथा प्रक्रियाओं के अनुसार अलग से लिया जाएगा।
(viii)	प्रस्तावित कुल निवेश (राशि रुपए में)	:	380.00 लाख		6. इस अधिसूचना के पैरा 1(vii) में विनिर्दिष्ट संख्या में इकाइयों के औद्योगिक पार्क में अवस्थित होने के उपरान्त ही इस अधिनियम के अन्तर्गत कर लाभ प्राप्त हो सकते हैं।
(ix)	औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश (राशि रुपए में)	:	शून्य		7. मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लिमिटेड, जयपुर उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिस अवधि में आयकर अधिनियम, 1961 की धारा 80झ क की उप-धारा (4) के खंड (iii) के अन्तर्गत लाभ लिए जाने हैं।
(x)	अवसंरचनात्मक विकास पर निवेश जिसमें औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश भी शामिल है (राशि रुपए में)	:	195.31 लाख		8. यदि उक्त औद्योगिक पार्क के आरंभ होने में इस अधिसूचना के पैरा 1(xi) में निर्दिष्ट तिथि से एक वर्ष से ज्यादा विलम्ब होगा तो आयकर अधिनियम, 1961 की धारा 80 झ क की उप-धारा 4 (iii) के अंतर्गत लाभ प्राप्त करने के लिए औद्योगिक पार्क योजना, 2002 के अन्तर्गत नया अनुमोदन प्राप्त करना अपेक्षित होगा।
(xi)	औद्योगिक पार्क के आरंभ होने की तिथि	:	31-12-2005		9. यह अनुमोदन अवैध रहेगा और मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लि., जयपुर ऐसी

2. किसी औद्योगिक पार्क में अवसंरचना विकास पर न्यूनतम निवेश कुल परियोजना लागत के 50% से कम नहीं होगा। ऐसे औद्योगिक पार्क जो औद्योगिक उपयोग के लिए निर्मित स्थल प्रदान करता है, के मामले में औद्योगिक स्थल के निर्माण कार्य की लागत सहित अवसंरचना विकास पर न्यूनतम खर्च कुल परियोजना लागत के 60% से कम नहीं होगा।

3. अव संरचना विकास में सड़क (सम्पर्क सड़क सहित), जलापूर्ति तथा सोवरेज, दूषित जल शोधन सुविधा, टेलिकॉम नेटवर्क, विद्युत उत्पादन एवं वितरण, वातानुकूलन तथा ऐसी अन्य सुविधाएं जो

किसी अवैधता की प्रतिक्रिया के लिए स्वयं ही जिम्मेदार होगा, यदि :

- (i) आवेदन पत्र जिसके आधार पर केन्द्र सरकार द्वारा अनुमोदन प्रदान किया गया है, में गलत सूचना/त्रुटिपूर्ण सूचना अथवा कतिपय तथ्यपरक सूचना न दी गई हो।
- (ii) यह उक्त औद्योगिक पार्क की अवस्थिति हेतु है जिसके लिए अनुमोदन किसी अन्य उपक्रम के नाम में पहले ही प्रदान किया गया हो।

10. यदि मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लिमिटेड, जयपुर (अर्थात् अन्तरणकर्ता उपक्रम) औद्योगिक पार्क का प्रचालन और अनुरक्षण किसी दूसरे उपक्रम (अर्थात् अंतर्गति उपक्रम) को हस्तांतरित करेगा तो अंतरणकर्ता और अंतर्गति उपर्युक्त हस्तांतरण के लिए अंतरणकर्ता और अंतर्गति उपक्रम के बीच निष्पादित करार की प्रति के साथ औद्योगिक सहायता सचिवालय, औद्योगिक नीति और संवर्धन विभाग, उद्योग भवन, नई दिल्ली-11 की उद्यमशीलता सहायता यूनिट को संयुक्त रूप से सूचित करेंगे।

11. इस अधिसूचना में उल्लिखित शर्तों के साथ-साथ औद्योगिक पार्क स्कीम, 2002 में शामिल उन शर्तों का अनुपालन उस अवधि के दौरान किया जाना चाहिए जिसमें इस स्कीम के अंतर्गत लाभ प्राप्त किए जाने हैं। केन्द्र सरकार उपर्युक्त अनुमोदन को वापस ले सकती है यदि मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लिमिटेड, जयपुर किसी भी शर्त के अनुपालन में असफल रहता है।

12. केन्द्र सरकार के अनुमोदन के बिना प्रोजेक्ट प्लान में किया गया कोई भी संशोधन अथवा भविष्य में पता लगना अथवा किसी ठोस तथ्य का उद्घाटन करने में आवेदक का असफल रहना, औद्योगिक पार्क के अनुमोदन को अवैध बना देना।

[अधिसूचना सं. 365/2006/फा. सं. 178/28/2006-आ.क.नि.-I]

दीपक गर्ग, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

(CENTRAL BOARD OF DIRECT TAXES)

New Delhi, the 8th December, 2006

(INCOME-TAX)

S.O. 64.—Whereas the Central Government in exercise of the powers conferred by clause (iii) of

sub-section (4) of Section 80-1A of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for Industrial Park, by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) vide number S.O. 193(E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and vide number S.O. 354(E) dated the 1st day of April, 2002, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006;

And whereas M/s. Rajasthan State Industrial Development and Investment Corporation Limited, having registered office at Udyog Bhawan, Tilak Marg, Jaipur-302005 is developing an Industrial Park, at Industrial Area, Stone Park, Mandore, Jodhpur, Rajasthan-342004;

And whereas the Central Government has approved the said Industrial Park vide Ministry of Commerce and Industry letter No. 15/115/2005-IP & ID dated 13-12-2005 subject to the terms and conditions mentioned in the annexure to this notification;

Now, therefore, in exercise of the powers conferred by clause (iii) of Sub-section (4) of Section 80-1A of the said Act, the Central Government hereby notifies the undertaking, being developed and being maintained and operated by M/s. Rajasthan State Industrial Development and Investment Corporation Limited, Jaipur, as an Industrial Park for the purposes of the said clause (iii).

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an Industrial Park by M/s. Rajasthan State Industrial Development & Investment Corporation Limited, Jaipur.

1. (i) Name of the Industrial Undertaking : Rajasthan State Industrial Development and Investment Corporation Limited
- (ii) Proposed location : Industrial Area, Stone Park Mandore, Jodhpur Rajasthan-342 004
- (iii) Area of Industrial Park : 49.92 Acres.
- (iv) Proposed activities

Nature of Industrial activity with NIC Code

NIC Code					Description
S.No.	Section	Division	Group	Class	
A	2 & 3	—	—	—	Manufacturing

- (v) Percentage of allocable area earmarked for industrial use : 100%
- (vi) Percentage of allocable area earmarked for commercial use : Nil
- (vii) Minimum number of industrial units : 30 Units
- (viii) Total investments proposed (Amount in Rupees) : Rs. 380.00 lakhs
- (ix) Investment on built-up space for industrial use (Amount in Rupees) : Nil
- (x) Investment on Infrastructure Development including investment on built-up space for industrial use (Amount in Rupees) : Rs. 195.31 lakhs
- (xi) Proposed date of Commencement of the Industrial Park : 31-12-2005

2. The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum expenditure on infrastructure development including cost of construction of industrial space, shall not be less than 60% of the total project cost.

3. Infrastructure development shall include, roads (including approach roads), water supply and sewerage, common effluent treatment facility, telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.

4. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S. O. 354 (E), dated the 1st April, 2002, shall occupy more than fifty per cent of the allocable industrial area of an Industrial Park. For this purpose a unit means any separate and distinct entity for the purpose of one and more State or Central Tax Laws.

5. Necessary approvals, including that for Foreign Direct Investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in force, shall be taken separately as per the policy and procedures in force.

6. The tax benefits under the Act can be availed of only after the number of units indicated in Para 1(vii) of this Notification, are located in the Industrial Park.

7. M/s. Rajasthan State Industrial Development and Investment Corporation Limited, Jaipur, shall continue to operate the Industrial Park during the period in which the

benefits under clause (iii) of Sub-section (4) of Section 80-IA of the Income-tax Act, 1961 are to be availed.

8. In case the commencement of the Industrial Park is delayed by more than one year from the date indicated in Para 1(xi) of this notification, fresh approval will be required under the Industrial Park Scheme, 2002, for availing benefits under Sub-section 4(iii) of Section 80-IA of the Income-tax Act, 1961.

9. The approval will be invalid and M/s. Rajasthan State Industrial Development and Investment Corporation Limited, Jaipur, shall be solely responsible for any repercussions of such invalidity, if :

- (i) the application on the basis of which the approval is accorded by the Central Government contains wrong information/misinformation or some material information has not been provided in it.
- (ii) it is for the location of the Industrial Park for which approval has already been accorded in the name of another undertaking.

10. In case M/s. Rajasthan State Industrial Development and Investment Corporation Limited, Jaipur, transfers the operation and maintenance of the Industrial Park (i.e., transferor undertaking) to another undertaking (i.e., the transferee undertaking), the transferor and transferee shall jointly intimate to the Entrepreneurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi-11 alongwith a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.

11. The conditions mentioned in this notification as well as those included in the Industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The Central Government may withdraw the above approval in case M/s. Rajasthan State Industrial Development and Investment Corporation Limited, Jaipur, fails to comply with any of the conditions.

12. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the Industrial Park.

[Notification No. 365/2006/F. No. 178/28/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 8 दिसम्बर, 2006

(आयकर)

का.आ. 65.—जबकि आयकर अधिनियम, 1961 (1961 का 43) (यहां आगे उक्त अधिनियम कहा गया है) की धारा

80 झक की उप-धारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार ने 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2002 को समाप्त होने वाली अवधि के लिये संख्या का.आ. 193(अ) दिनांक 30 मार्च, 1999 के ज़रिए तथा 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2006 को समाप्त अवधि के लिए संख्या का.आ. 354(अ), दिनांक 1 अप्रैल, 2002 के ज़रिए भारत सरकार वाणिज्य और उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग) की अधिसूचनाओं द्वारा औद्योगिक पार्क की योजना निर्मित और अधिसूचित की है;

और, जबकि, मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लिमिटेड जिसका पंजीकृत कार्यालय उद्योग भवन, तिलक मार्ग, जयपुर-302005 में है, इंडस्ट्रियल एरिया, हीरावाला एक्सटेंशन, जयपुर, राजस्थान में एक औद्योगिक पार्क का विकास कर रहा है;

और, जबकि, केन्द्र सरकार ने इस अधिसूचना के अनुबंध में उल्लिखित शर्तों के अधीन वाणिज्य तथा उद्योग मंत्रालय के दिनांक 24-04-2006 के पत्र सं. 15/190/2005-आई पी एंड आई डी के अन्तर्गत उक्त औद्योगिक पार्क अनुमोदित किया है;

अब, इसलिए उक्त अधिनियम की धारा 80 झक की उप-धारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, एतद्वारा उक्त खंड (iii) के प्रयोजनार्थ औद्योगिक पार्क के रूप में मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लिमिटेड, जयपुर द्वारा विकसित तथा अनुरक्षित एवं प्रचालित किए जा रहे उक्त उपक्रम को अधिसूचित करती है।

अनुबंध

शर्तें जिन पर भारत सरकार ने मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लिमिटेड, जयपुर द्वारा औद्योगिक पार्क गठित किए जाने हेतु अनुमोदन प्रदान किया है।

1. (i) औद्योगिक उपक्रम का नाम : राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लिमिटेड,
- (ii) प्रस्तावित स्थान : इंडस्ट्रियल एरिया, हीरावाला एक्सटेंशन, जयपुर, राजस्थान
- (iii) औद्योगिक पार्क का क्षेत्रफल : 67.92 एकड़
- (iv) प्रस्तावित कार्यकलाप

एन आई सी संहिता के साथ औद्योगिक कार्यकलाप का स्वरूप

एन आई सी संहिता					विवरण
क्रम सं.	अनुभाग	प्रभाग	समूह	श्रेणी	विनिर्माण
क	2 और 3	—	—	—	
(v)	औद्योगिक उपयोग के लिए प्रस्तावित : 100%				2. किसी औद्योगिक पार्क में अवसंरचना विकास पर न्यूनतम निवेश कुल परियोजना लागत के 50% से कम नहीं होगा। ऐसे औद्योगिक पार्क जो औद्योगिक उपयोग के लिए निर्मित स्थल प्रदान करता है, के मामले में औद्योगिक स्थल के निर्माण कार्य की लागत सहित अवसंरचना विकास पर न्यूनतम खर्च कुल परियोजना लागत के 60% से कम नहीं होगा।
(vi)	वाणिज्यिक उपयोग के लिए : शून्य				3. अवसंरचना विकास में सड़क (सम्पर्क सड़क सहित), जलापूर्ति तथा सीवरेज, दूषित जल शोधन सुविधा, टेलिकॉम नेटवर्क, विद्युत उत्पादन एवं वितरण, वातानुकूलन तथा ऐसी अन्य सुविधाएं जो औद्योगिक कार्यकलाप हेतु सामान्य उपयोग के लिए हैं जो निर्धारणीय हैं एवं वाणिज्यिक दृष्टि से उपलब्ध कराई जाती हैं।
(vii)	औद्योगिक यूनिटों की न्यूनतम संख्या : 75 यूनिटें				4. दिनांक 1 अप्रैल, 2002 की का.आ. 354(अ) के पैराग्राफ 6 के उप-पैराग्राफ (ख) में निर्दिष्ट तालिका के कालम (2) में उल्लिखित कोई भी एकल इकाई किसी औद्योगिक पार्क के लिए नियत औद्योगिक क्षेत्र का 50 से अधिक हिस्सा धारित नहीं करेगी। इस प्रयोजनार्थ किसी इकाई का आशय एक या एक से अधिक राज्य अथवा केन्द्रीय कर कानून के प्रयोजन के लिए किसी अलग तथा भिन्न कम्पनी से है।
(viii)	प्रस्तावित कुल निवेश (राशि रुपए में) : 543.06 लाख				5. आवश्यक अनुमोदनों, जिनमें विदेशी निवेश संवर्धन बोर्ड अथवा भारतीय रिजर्व बैंक अथवा यथासमय प्रवृत्त किसी कानून के अन्तर्गत विनिर्दिष्ट किसी प्राधिकरण के द्वारा विदेशी प्रत्यक्ष निवेश
(ix)	औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश (राशि रुपए में) : शून्य				
(x)	अवसंरचनात्मक विकास पर निवेश जिसमें औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश भी शामिल है (राशि रुपए में) : 381.49 लाख				
(xi)	औद्योगिक पार्क के आरंभ होने की तिथि : 31-03-2006				

अथवा अनिवासी भारतीय निवेश भी शामिल है, को प्रवृत्त नीति तथा प्रक्रियाओं के अनुसार अलग से लिया जाएगा।

6. इस अधिसूचना के पैरा (1)(vii) में विनिर्दिष्ट संख्या में इकाइयों के औद्योगिक पार्क में अवस्थित होने के उपरान्त ही इस अधिनियम के अन्तर्गत कर लाभ प्राप्त हो सकते हैं।

7. मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लि., जयपुर उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिस अवधि में आयकर अधिनियम, 1961 की धारा 80 झ क की उप-धारा (4) के खंड (iii) के अन्तर्गत लाभ लिए जाने हैं।

8. यदि उक्त औद्योगिक पार्क के आरंभ होने में इस अधिसूचना के पैरा 1(xi) में निर्दिष्ट तिथि से एक वर्ष से ज्यादा विलम्ब होता है तो आयकर अधिनियम, 1961 की धारा 80 झ क की उप-धारा 4 (iii) के अंतर्गत लाभ प्राप्त करने के लिए औद्योगिक पार्क योजना, 2002 के अन्तर्गत नया अनुमोदन प्राप्त करना अपेक्षित होगा।

9. यह अनुमोदन अवैध रहेगा और मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लि., जयपुर ऐसी किसी अवैधता की प्रतिक्रिया के लिए स्वयं ही जिम्मेदार होगा, यदि

- (i) आवेदन पत्र जिसके आधार पर केन्द्र सरकार द्वारा अनुमोदन प्रदान किया गया है, में गलत सूचना/ त्रुटिपूर्ण सूचना अथवा कतिपय तथ्यपरक सूचना न दी गई हो।
- (ii) यह उक्त औद्योगिक पार्क की अवस्थिति हेतु है जिसके लिए अनुमोदन किसी अन्य उपक्रम के नाम में पहले ही प्रदान किया गया है।

10. यदि मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लि., जयपुर (अर्थात् अन्तरणकर्ता उपक्रम) औद्योगिक पार्क का प्रचालन और अनुरक्षण किसी दूसरे उपक्रम (अर्थात् अंतरिती उपक्रम) को हस्तांतरित करेगा तो अंतरणकर्ता और अंतरिती उपर्युक्त हस्तांतरण के लिए अंतरणकर्ता और अंतरिती उपक्रम के बीच निष्पादित करार की प्रति के साथ औद्योगिक सहायता सचिवालय, औद्योगिक नीति और संवर्धन विभाग, उद्योग भवन, नई दिल्ली-11 की उद्यमशीलता सहायता यूनिट को संयुक्त रूप से सूचित करेंगे।

11. इस अधिसूचना में उल्लिखित शर्तों के साथ-साथ औद्योगिक पार्क स्कीम, 2002 में शामिल शर्तों का अनुपालन उस अवधि के दौरान किया जाना चाहिए जिसमें इस स्कीम के अंतर्गत लाभ प्राप्त किए जाने हैं। केन्द्र सरकार उपर्युक्त अनुमोदन को वापस ले सकती है यदि मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लि., जयपुर किसी भी शर्त के अनुपालन में असफल रहता है।

12. केन्द्र सरकार के अनुमोदन के बिना प्रोजेक्ट प्लान में किया गया कोई भी संशोधन अथवा भविष्य में पता लगना अथवा किसी ठोस तथ्य का उद्घाटन करने में आवेदक का असफल रहना, औद्योगिक पार्क के अनुमोदन को अवैध बना देना।

[अधिसूचना सं. 366/2006/फा. सं. 178/98/2006-आ.क.नि.-I]

दीपक गर्ग, अवर सचिव

(INCOME-TAX)

New Delhi, the 8th December, 2006

S.O. 65 .—Whereas, the Central Government in exercise of the powers conferred by clause (iii) of Sub-section (4) of Section 80-IA of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for Industrial Park, by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) *vide* number S.O. 193(E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and *vide* number S.O. 354(E) dated the 1st day of April, 2002, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006;

And, whereas, M/s. Rajasthan State Industrial Development and Investment Corporation Limited, having registered office at Udyog Bhawan, Tilak Marg, Jaipur-302005 is developing an Industrial Park, at Industrial Area Hirawala Extension, Jaipur, Rajasthan;

And, whereas, the Central Government has approved the said Industrial Park *vide* Ministry of Commerce and Industry letter No. 15/190/2005-IP & ID dated 24-4-2006 subject to the terms and conditions mentioned in the annexure to this notification;

Now, therefore, in exercise of the powers conferred by clause (iii) of Sub-section (4) of Section 80-IA of the said Act, the Central Government hereby notifies the undertaking, being developed and being maintained and operated by M/s. Rajasthan State Industrial Development and Investment Corporation Limited, Jaipur, as an Industrial Park for the purposes of the said clause (iii).

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an Industrial Park by M/s. Rajasthan State Industrial Development and Investment Corporation Limited, Jaipur.

1. (i) Name of the Industrial Undertaking : Rajasthan State Industrial Development and Investment Corporation Limited.
- (ii) Proposed location : Industrial Area Hirawala Extension, Jaipur, Rajasthan
- (iii) Area of Industrial Park : 67.92 Acres.
- (iv) Proposed activities

Nature of Industrial activity with NIC Code

S. No.	NIC Code				Description
	Section	Division	Group	Class	
A	2 and 3	—	—	—	Manufacturing
(v)	Percentage of allocable area earmarked for industrial use	:	100%		6. The tax benefits under the Act can be availed of only after the number of units indicated in Para 1(vii) of this Notification, are located in the Industrial Park.
(vi)	Percentage of allocable area earmarked for commercial use	:	Nil		7. M/s. Rajasthan State Industrial Development and Investment Corporation Limited, Jaipur shall continue to operate the Industrial Park during the period in which the benefits under clause (iii) of sub-section (4) of Section 80-IA of the Income-tax Act, 1961 are to be availed.
(vii)	Minimum number of industrial units	:	75 Units		8. In case the commencement of the Industrial Park is delayed by more than one year from the date indicated in Para 1(xi) of this notification, fresh approval will be required under the Industrial Park Scheme, 2002, for availing benefits under sub-section 4(iii) of Section 80-IA of the Income-tax Act, 1961.
(viii)	Total investments proposed (Amount in Rupees)	:	543.06 lakhs		9. The approval will be invalid and M/s. Rajasthan State Industrial Development and Investment Corporation Limited, Jaipur shall be solely responsible for any repercussions of such invalidity, if
(ix)	Investment on built up space for industrial use (Amount in Rupees)	:	Nil		(i) the application on the basis of which the approval is accorded by the Central Government contains wrong information/misinformation or some material information has not been provided in it;
(x)	Investment on Infrastructure Development including investment on built up space for industrial use (Amount in Rupees)	:	381.49 lakhs		(ii) it is for the location of the Industrial Park for which approval has already been accorded in the name of another undertaking.
(xi)	Proposed date of Commencement of the Industrial Park	:	31-0-2006		10. In case M/s. Rajasthan State Industrial Development Investment Corporation Limited, Jaipur transfers the operation and maintenance of the Industrial Park (i.e., transferor undertaking) to another undertaking (i.e., the transferee undertaking), the transferor and transferee shall jointly intimate to the Entrepreneurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi-11 alongwith a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.

2. The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum expenditure on infrastructure development including cost of construction of industrial space, shall not be less than 60% of the total project cost.

3. Infrastructure development shall include, roads (including approach roads), water supply and sewerage, common effluent treatment facility, telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.

4. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S.O. 354(E), dated the 1st April, 2002, shall occupy more than fifty per cent of the allocable industrial area of an Industrial Park. For this purpose a unit means any separate and distinct entity for the purpose of one and more State or Central tax laws.

5. Necessary approvals, including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in force, shall be taken separately as per the policy and procedures in force.

11. The conditions mentioned in this notification as well as those included in the Industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The Central Government may withdraw the above approval in case M/s. Rajasthan State Industrial Development Investment Corporation Limited, Jaipur fails to comply with any of the conditions.

12. Any amendment of the project plan without the approval of the Central Government or detection in

future, or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the Industrial Park.

[Notification No. 366/2006/F. No. 178/98/2006-ITA-I]

DEEPAK GARG, Under Secy.

(आयकर)

नई दिल्ली, 22 दिसम्बर 2006

का.आ. 66.—जबकि आयकर अधिनियम, 1961 (1961 का 43) (यहां आगे उक्त अधिनियम कहा गया है) की धारा 80 झ क की उप-धारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार ने 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2002 को समाप्त होने वाली अवधि के लिये संख्या का.आ. 193(अ) दिनांक 30 मार्च, 1999 के ज़रिए तथा, 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2006 को समाप्त अवधि के लिए संख्या का.आ. 354(अ), दिनांक 1 अप्रैल, 2002 के ज़रिए भारत सरकार, वाणिज्य और उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग) की अधिसूचनाओं द्वारा औद्योगिक पार्क की योजना निर्मित और अधिसूचित की है ;

और जबकि मैसर्स रामकी फार्मा सिटी (इंडिया) लिमिटेड, 6-3-1089/जी/10 एवं 11, गुलमोहर एवेन्यू, राज भवन रोड, सोमाजोगुडा, हैदराबाद-500082 गाँव परवाडा, परवाडा मंडल, विशाखापटनम, आंध्र प्रदेश-531021 में एक औद्योगिक पार्क का विकास कर रहा है;

और जबकि केन्द्र सरकार ने इस अधिसूचना के अनुबंध में उल्लिखित शर्तों के अधीन वाणिज्य तथा उद्योग मंत्रालय के दिनांक 30-06-2005 के पत्र सं. 15/46/05-आई पी एंड आई डी के अन्तर्गत उक्त औद्योगिक पार्क को अनुमोदित किया है;

अब इसलिए उक्त अधिनियम की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा उक्त खंड (iii) के प्रयोजनार्थ औद्योगिक पार्क के रूप में मैसर्स रामकी फार्मा सिटी (इंडिया) लिमिटेड, हैदराबाद द्वारा विकसित तथा अनुरक्षित एवं प्रचालित किए जा रहे उक्त उपक्रम को अधिसूचित करती है ।

अनुबंध

शर्तें जिन पर भारत सरकार ने मैसर्स रामकी फार्मा सिटी (इंडिया) लिमिटेड, हैदराबाद द्वारा औद्योगिक पार्क गठित किए जाने हेतु अनुमोदन प्रदान किया गया है ।

1. (i) औद्योगिक उपक्रम का नाम : रामकी फार्मा सिटी (इंडिया) लिमिटेड
- (ii) प्रस्तावित स्थान : गाँव परवाडा, परवाडा मंडल, विशाखापटनम, आंध्र प्रदेश-531021
- (iii) औद्योगिक पार्क का कुल क्षेत्रफल : 2120 एकड़
- (iv) प्रस्तावित कार्यकलाप :

एन आई सी संहिता के साथ औद्योगिक कार्यकलाप का स्वरूप

एन आई सी संहिता		विवरण		
क्रम सं.	अनुभाग	प्रभाग	समूह	श्रेणी
क	3	30	304	— औषध, दवाईयाँ और सभी उत्पादों का विनिर्माण
(v)	औद्योगिक उपयोग के लिए आबंटनीय क्षेत्र का प्रतिशत	:	68%	(xi) औद्योगिक पार्क के आरंभ होने की तिथि : 28-02-2006
(vi)	वाणिज्यिक उपयोग के लिए निर्धारित भूमि का प्रतिशत	:	4%	2. किसी औद्योगिक पार्क में अवसंरचना विकास पर न्यूनतम निवेश कुल परियोजना लागत के 50% से कम नहीं होगा । ऐसे औद्योगिक पार्क जो औद्योगिक उपयोग के लिए निर्मित स्थल प्रदान करता है, के मामले में औद्योगिक स्थल के निर्माण कार्य की लागत सहित अवसंरचना विकास पर न्यूनतम खर्च कुल परियोजना लागत के 60% से कम नहीं होगा ।
(vii)	औद्योगिक यूनिटों की न्यूनतम संख्या	:	140 यूनिटें	3. अवसंरचना विकास में सड़क (सम्पर्क सड़क सहित), जलापूर्ति तथा सीवरेज, दूषित जल शोधन सुविधा, टेलिकॉम नेटवर्क, विद्युत उत्पादन एवं वितरण, वातानुकूलन तथा ऐसी अन्य सुविधाएँ जो औद्योगिक कार्यकलाप हेतु सामान्य उपयोग के लिए हैं जो निर्धारणीय हैं एवं वाणिज्यिक दृष्टि से उपलब्ध कराई जाती हैं ।
(viii)	प्रस्तावित कुल निवेश (राशि रुपए में)	:	313.11 करोड़	4. दिनांक 1 अप्रैल, 2002 की का.आ. 354(अ) के पैराग्राफ 6 के उप-पैराग्राफ (ख) में निर्दिष्ट तालिका के कालम (2) में उल्लिखित कोई भी एकल इकाई किसी औद्योगिक पार्क के लिए
(ix)	औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश (राशि रुपए में)	:	23.50 करोड़	
(x)	अवसंरचनात्मक विकास पर निवेश जिसमें औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश भी शामिल है (राशि रुपए में)	:	255.11 करोड़	

नियत औद्योगिक क्षेत्र का 50% से अधिक हिस्सा धारित नहीं करेगी। इस प्रयोजनार्थ किसी इकाई का आशय एक या एक से अधिक राज्य अथवा केन्द्रीय कर कानून के प्रयोजन के लिए किसी अलग तथा भिन्न कम्पनी से है।

5. आवश्यक अनुमोदनों, जिनमें विदेशी निवेश संवर्धन बोर्ड अथवा भारतीय रिजर्व बैंक अथवा यथा समय प्रवृत्त किसी कानून के अंतर्गत विनिर्दिष्ट किसी प्राधिकरण के द्वारा विदेशी प्रत्यक्ष निवेश अथवा अनिवासी भारतीय निवेश भी शामिल हैं, को प्रवृत्त नीति तथा प्रक्रियाओं के अनुसार अलग से लिया जाएगा।

6. इस अधिसूचना के पैरा 1(vii) में विनिर्दिष्ट संख्या में इकाइयों के औद्योगिक पार्क में अवस्थित होने के उपरान्त ही इस अधिनियम के अन्तर्गत कर लाभ प्राप्त हो सकते हैं।

7. मैसर्स रामकी फार्मा सिटी (इंडिया) लिमिटेड, हैदराबाद उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिस अवधि में आयकर अधिनियम, 1961 की धारा 80 झ क की उपधारा (4) के खंड (iii) के अन्तर्गत लाभ लिए जाने हैं।

8. यदि उक्त औद्योगिक पार्क के आरंभ होने में इस अधिसूचना के पैरा 1(xi) में निर्दिष्ट तिथि से एक वर्ष से ज्यादा विलम्ब होगी तो आयकर अधिनियम, 1961 की धारा 80 झ क की उप-धारा 4(iii) के अंतर्गत लाभ प्राप्त करने के लिए औद्योगिक पार्क योजना, 2002 के अंतर्गत नया अनुमोदन प्राप्त करना अपेक्षित होगा।

9. यह अनुमोदन अवैध रहेगा और मैसर्स रामकी फार्मा सिटी (इंडिया) लिमिटेड, हैदराबाद ऐसी अवैधता की प्रतिक्रिया के लिए स्वयं ही जिम्मेदार होगा, यदि—

(i) आवेदन पत्र जिसके आधार पर केन्द्र सरकार द्वारा अनुमोदन प्रदान किया गया है, में गलत सूचना/त्रुटिपूर्ण सूचना अथवा कतिपय तथ्यपरक सूचना न दी गई हो।

(ii) यह उक्त औद्योगिक पार्क की अवस्थिति हेतु हो जिसके लिए अनुमोदन किसी अन्य उपक्रम के नाम में पहले ही प्रदान किया गया है।

10. यदि मैसर्स रामकी फार्मा सिटी (इंडिया) लिमिटेड, हैदराबाद (अर्थात् अन्तरणकर्ता उपक्रम) औद्योगिक पार्क का प्रचालन और अनुरक्षण किसी दूसरे उपक्रम (अर्थात् अंतरिती उपक्रम) को हस्तांतरित करेगा तो अंतरणकर्ता और अंतरिती उपर्युक्त हस्तांतरण के लिए अंतरणकर्ता और अंतरिती उपक्रम के बीच निष्पादित करार की प्रति के साथ औद्योगिक सहायता सचिवालय, औद्योगिक नीति और संवर्धन विभाग, उद्योग भवन, नई दिल्ली-11 की उद्यमशीलता सहायता यूनिट को संयुक्त रूप से सूचित करेंगे।

11. इस अधिसूचना में उल्लिखित शर्तों के साथ-साथ औद्योगिक पार्क स्कीम, 2002 में शामिल शर्तों का अनुपालन उस अवधि के दौरान किया जाना चाहिए जिसमें लिए इस स्कीम के अंतर्गत लाभ प्राप्त किए जाने हैं। केन्द्र सरकार उपर्युक्त अनुमोदन को वापस ले सकती है यदि मैसर्स रामकी फार्मा सिटी (इंडिया) लिमिटेड, हैदराबाद किसी भी शर्त के अनुपालन में असफल रहता है।

12. केन्द्र सरकार के अनुमोदन के बिना प्रोजेक्ट प्लान में किया गया कोई भी संशोधन अथवा भविष्य में पता लगना अथवा किसी ठोस तथ्य का उद्घाटन करने में आवेदक का असफल रहना, औद्योगिक पार्क के अनुमोदन को अवैध बना देगा।

[अधिसूचना सं. 375/2006/फा. सं. 178/140/2006-आ.क.नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 22nd December, 2006

(INCOME-TAX)

S.O. 66.—Whereas the Central Government in exercise of the powers conferred by clause (iii) of Sub-section (4) of Section 80-IA of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for industrial park, by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) vide number S.O. 193(E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and vide number S.O. 354(E) dated the 1st day of April, 2002, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006;

And whereas M/s. Ramky Pharma City (India) Limited, 6-3-1089/G/10 & 11, Gulmohar Avenue, Raj Bhavan Road, Somajiguda, Hyderabad-500082, is developing an Industrial Park at Parwada Village, Parawada Mandal, Visakhapatnam, Andhra Pradesh-531021;

And whereas the Central Government has approved the said Industrial Park vide Ministry of Commerce and Industry, letter No. 15/46/05-IP&ID dated 30-6-2005 subject to the terms and conditions mentioned in the annexure to this notification;

Now, therefore, in exercise of the powers conferred by clause (iii) of Sub-section (4) of Section 80-IA of the said Act, the Central Government hereby notifies the undertaking being developed and being maintained and operated by M/s. Ramky Pharma City (India) Limited, Hyderabad, as an industrial park for the purposes of the said clause (iii).

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an industrial park by M/s. Ramky Pharma City (India) Limited, Hyderabad.

1. (i) Name of the Industrial Undertaking : Ramky Pharma City (India) Limited
- (ii) Proposed location : Parwada Village, Parawada Mandal, Visakhapatnam, Andhra Pradesh-531021
- (iii) Area of Industrial Park : 2120 Acres
- (iv) Proposed activities

Nature of Industrial activity with NIC Code

NIC Code					Description	
S. No.	Section	Division	Group	Class		
A	3	30	304	—	Manufacture of drugs, medicines and all products.	
(v)	Percentage of allocable area earmarked for industrial use	:	68%	5.	Necessary approvals, including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in force, shall be taken separately as per the policy and procedures in force.	
(vi)	Percentage of allocable area earmarked for commercial use.	:	4%	6.	The tax benefits under the Act can be availed of only after the number of units indicated in Para 1(vii) of this Notification, are located in the Industrial Park.	
(vii)	Minimum number of industrial units	:	140 Units	7.	M/s. Ramky Pharma City (India) Limited, Hyderabad shall continue to operate the Industrial Park during the period in which the benefits under clause (iii) of Sub-section (4) of Section 80-IA of the Income Tax Act, 1961 are to be availed.	
(viii)	Total investments proposed (Amount in Rupees)	:	313.11 Crores	8.	In case the commencement of the Industrial Park is delayed by more than one year from the date indicated in Para 1(xi) of this notification, fresh approval will be required under the Industrial Park Scheme, 2002, for availing benefits under Sub-section 4(iii) of Section 80-IA of the Income Tax Act, 1961.	
(ix)	Investment on built up space for Industrial use (Amount in Rupees)	:	23.50 Crores	9.	The approval will be invalid and M/s. Ramky Pharma City (India) Limited, Hyderabad shall be solely responsible for any repercussions of such invalidity, if—	
(x)	Investment on Infrastructure Development including investment on built up space for industrial use (Amount in Rupees)	:	255.11 Crores		(i) the application on the basis of which the approval is accorded by the Central Government contains wrong information/ misinformation or some material information has not been provided in it.	
(xi)	Proposed date of commencement of the Industrial Park	:	28-2-2006		(ii) it is for the location of the Industrial Park for which approval has already been accorded in the name of another undertaking.	
2.	The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum expenditure on infrastructure development including cost of construction of industrial space, shall not be less than 60% of the total project cost.				10.	In case M/s. Ramky Pharma City (India) Limited, Hyderabad transfers the operation and maintenance of the industrial park (i.e., transferor undertaking) to another undertaking (i.e., the transferee undertaking), the transferor and transferee shall jointly intimate to the Entrepreneurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi-11 along with a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.
3.	Infrastructure development shall include, roads (including approach roads), water supply and sewerage, common effluent treatment facility, telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.				11.	The conditions mentioned in this notification as well as those included in the Industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The
4.	No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S.O. 354(E) dated the 1st April, 2002, shall occupy more than fifty per cent of the allocable industrial area of an Industrial Park. For this purpose a unit means any separate and distinct entity for the purpose of one and more State of Central Tax laws.					

Central Government may withdraw the above approval in case M/s. Ramkey PharmaCity (India) Limitey, Hyderabad fails to comply with any of the conditions.

12. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the industrial park.

[Notification No. 375/2006/F. No. 178/140/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 22 दिसम्बर, 2006

(आयकर)

का.आ. 67.—जबकि आयकर अधिनियम, 1961 (1961 का 43) (यहां आगे उक्त अधिनियम कहा गया है) की धारा 80 झ क की उप-धारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार ने 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2002 को समाप्त होने वाली अवधि के लिये संख्या का.आ. 193(अ) दिनांक 30 मार्च, 1999 के जरिये तथा 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2006 को समाप्त अवधि के लिए संख्या का.आ. 354(अ) के जरिए भारत सरकार, वाणिज्य और उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग) की अधिसूचनाओं द्वारा औद्योगिक पार्क की योजना निर्मित और अधिसूचित की है;

और जबकि मैसर्स अन्नपूर्णा बिल्डर्स, 6-3-1192/1/1, कुंदन बाग, बेगमपेट, हैदराबाद, आंध्र प्रदेश-500016, व्हाइट हाऊस,

ब्लॉक-III, 6-3-1192/1/1, कुंदन बाग, बेगमपेट, जिला हैदराबाद, आंध्र प्रदेश-500016 में एक औद्योगिक पार्क का विकास कर रहा है;

और जबकि केन्द्र सरकार ने इस अधिसूचना के अनुबंध में उल्लिखित नियम और शर्तों के अधीन वाणिज्य तथा उद्योग मंत्रालय के दिनांक 25-9-2006 के पत्र सं. 15/158/05-आई पी एंड आई डी के अन्तर्गत उक्त औद्योगिक पार्क अनुमोदित किया है;

इसलिए, अब उक्त अधिनियम की धारा 80 झ क की उप-धारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा उक्त खंड (iii) के प्रयोजनार्थ औद्योगिक पार्क के रूप में मैसर्स अन्नपूर्णा बिल्डर्स, हैदराबाद द्वारा विकसित तथा अनुरक्षित एवं प्रचालित किए जा रहे उक्त उपक्रम को अधिसूचित करती है ।

अनुबंध

नियम एवं शर्तें जिन पर भारत सरकार ने मैसर्स अन्नपूर्णा बिल्डर्स, हैदराबाद, द्वारा औद्योगिक पार्क के गठित किए जाने हेतु अनुमोदन प्रदान किया है ।

1. (i) औद्योगिक उपक्रम : अन्नपूर्णा बिल्डर्स
का नाम
- (ii) प्रस्तावित स्थान : व्हाइट हाऊस, ब्लॉक-III,
6-3-1192/1/1, कुंदन बाग,
बेगमपेट, जिला हैदराबाद,
आंध्र प्रदेश-500016
- (iii) औद्योगिक पार्क का क्षेत्रफल : 26,130.99 वर्ग मीटर

एन आई सी संहिता के साथ औद्योगिक कार्यकलाप का स्वरूप

क्रम सं.	एन आई सी संहिता				विवरण
	अनुभाग	प्रभाग	समूह	श्रेणी	
क	7	75	—	—	संचार सेवाएं
ख	8	89	892	—	डाटा प्रोसेसिंग साफ्टवेयर विकास एंड कम्प्यूटर कन्सल्टेन्सी सेवाएं ।
ग	8	89	893	—	बिजनेस और मैनेजमेंट कन्सल्टेन्सी क्रियाकलाप
घ	8	89	894	—	वास्तुशिल्पीय और इंजिनियरिंग और अन्य तकनीकी परामर्शी क्रियाकलाप
ङ	8	89	895	—	तकनीकी परीक्षण तथा विश्लेषण सेवाएं

- (iv) प्रस्तावित कार्यकलाप :
 (v) औद्योगिक उपयोग के लिए निर्धारित आबंटनीय क्षेत्र का प्रतिशत : 90.00 %
 (vi) वाणिज्यिक उपयोग के लिए निर्धारित भूमि का प्रतिशत : 10.00 %
 (vii) औद्योगिक यूनिटों की न्यूनतम संख्या : 03 यूनिटें
 (viii) प्रस्तावित कुल निवेश (राशि रुपयों में) : 20.00 करोड़
 (ix) औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश (राशि रुपयों में) : 15.00 करोड़
 (x) अवसंरचनात्मक विकास पर निवेश जिसमें औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश भी शामिल है (राशि रुपयों में) : 19.50 करोड़
 (xi) औद्योगिक पार्क के आरंभ होने की प्रस्तावित तिथि : दिसम्बर, 2005

2. किसी औद्योगिक पार्क में अवसंरचना विकास पर न्यूनतम निवेश कुल परियोजना लागत के 50% से कम नहीं होगा। ऐसे औद्योगिक पार्क जो औद्योगिक उपयोग के लिए निर्मित स्थल प्रदान करता है, के मामले में औद्योगिक स्थल के निर्माण कार्य की लागत सहित विकास अवसंरचना पर न्यूनतम खर्च कुल परियोजना लागत के 60% से कम नहीं होगा।

3. अवसंरचना विकास में सड़क (सम्पर्क सड़क सहित), जलापूर्ति तथा सीवरेज, दूषित जल शोधन सुविधा, टेलिकॉम नेटवर्क, विद्युत उत्पादन एवं वितरण, वातानुकूलन तथा ऐसी अन्य सुविधाएँ जो औद्योगिक कार्यकलाप हेतु सामान्य उपयोग के लिए हैं जो वाणिज्यिक दृष्टि से निर्धारणीय एवं प्रयुक्त हैं।

4. दिनांक 1 अप्रैल, 2002 की का.आ. 354(अ) के पैराग्राफ 6 के उप-पैराग्राफ (ख) में निर्दिष्ट तालिका के कालम (2) में उल्लिखित कोई एकल इकाई किसी औद्योगिक पार्क के लिए नियत औद्योगिक क्षेत्र का 50% से अधिक हिस्सा धारित नहीं करेगी। इस प्रयोजनार्थ किसी इकाई का आशय एक या एक से अधिक राज्य अथवा केन्द्रीय कर कानून के प्रयोजन के लिए किसी अलग तथा भिन्न कम्पनी से है।

5. आवश्यक अनुमोदनों, जिनमें विदेशी निवेश संवर्धन बोर्ड अथवा भारतीय रिजर्व बैंक अथवा उस समय प्रवृत्त किसी कानून के अंतर्गत विनिर्दिष्ट किसी प्राधिकरण द्वारा विदेशी प्रत्यक्ष निवेश अथवा अनिवासी भारतीय निवेश के लिए अनुमोदन शामिल है, को प्रवृत्त

नीति तथा प्रक्रियाओं के अनुसार अलग से लिया जाएगा।

6. इस अधिसूचना के पैरा 1 (vii) में विनिर्दिष्ट संख्या में इकाईयों के औद्योगिक पार्क में अवस्थित होने के उपरान्त ही इस अधिनियम के अन्तर्गत कर लाभ प्राप्त हो सकते हैं।

7. मैसर्स अन्नपूर्णा बिल्डर्स, हैदराबाद, उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिस अवधि में आयकर अधिनियम, 1961 की धारा 80 झ क की उप-धारा (4) के खंड (iii) के अन्तर्गत लाभ लिए जाने हैं।

8. यदि उक्त औद्योगिक पार्क के आरंभ होने में इस अधिसूचना के पैरा 1 (xi) में निर्दिष्ट तिथि से एक वर्ष से ज्यादा विलम्ब होता है तो आयकर अधिनियम, 1961 की धारा 80 झ क की उप-धारा 4 (iii) के अंतर्गत लाभ प्राप्त करने के लिए औद्योगिक पार्क योजना, 2002 के अंतर्गत नया अनुमोदन प्राप्त करना अपेक्षित होगा।

9. यह अनुमोदन अवैध रहेगा और मैसर्स अन्नपूर्णा बिल्डर्स, हैदराबाद ऐसी किसी प्रतिक्रिया की अवैधता के लिए स्वयं ही जिम्मेदार होगा, यदि—

(i) आवेदन पत्र जिसके आधार पर केन्द्र सरकार द्वारा अनुमोदन प्रदान किया गया है, में गलत सूचना/सूचना अथवा कतिपय तथ्यपरक सूचना न दी गई हो।

(ii) यह उक्त औद्योगिक पार्क की अवस्थिति हेतु है जिसके लिए अनुमोदन किसी अन्य उपक्रम के नाम में पहले ही प्रदान किया गया है।

10. यदि मैसर्स अन्नपूर्णा बिल्डर्स, हैदराबाद, (अर्थात् अन्तःकरणकर्ता उपक्रम) औद्योगिक पार्क का प्रचालन और अनुरक्षण किसी दूसरे उपक्रम (अर्थात् अंतरिती उपक्रम) को हस्तांतरित करेगा तो अंतरणकर्ता और अंतरिती उपर्युक्त हस्तांतरण के लिए अंतरणकर्ता और अंतरिती उपक्रम के बीच निष्पादित करार की प्रति के साथ औद्योगिक सहायता सचिवालय, औद्योगिक नीति और संवर्धन विभाग, उद्योग भवन, नई दिल्ली-11 की उद्यमशीलता सहायता यूनिट को संयुक्त रूप से सूचित करेंगे।

11. इस अधिसूचना में उल्लिखित शर्तों के साथ-साथ औद्योगिक पार्क योजना, 2002 में शामिल उन शर्तों का अनुपालन उस अवधि के दौरान किया जाना चाहिए जिसके लिए इस योजना के अंतर्गत लाभ प्राप्त किए जाने हैं। केन्द्र सरकार उपर्युक्त अनुमोदन को वापस ले सकती है यदि मैसर्स अन्नपूर्णा बिल्डर्स, हैदराबाद औद्योगिक पार्क योजना, 2002 में विहित शर्तों अथवा इस अधिसूचना की किसी भी शर्त के अनुपालन में असफल रहता है।

12. केन्द्र सरकार के अनुमोदन के बिना प्रोजेक्ट प्लान में किया गया कोई भी संशोधन अथवा भविष्य में पता लगना अथवा किसी ठोस तथ्य का उद्घाटन करने में आवेदक का असफल रहना, औद्योगिक पार्क के अनुमोदन को अवैध बना देगा।

[अधिसूचना सं. 376/2006/फा. सं. 178/141/2006-आ.क.नि.-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 22nd December, 2006

(INCOME-TAX)

S.O. 67.—Whereas the Central Government in exercise of the powers conferred by clause (iii) of Sub-section (4) of Section 80-IA of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for Industrial Park, by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) *vide* number S.O. 193(E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and *vide* number S.O. 354(E) dated the 1st day of April, 2002, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006;

And, whereas M/s. Annapurna Builders, 6-3-1192/1/1, Kundan Bagh, Begumpet, Hyderabad, Andhra Pradesh-500016, is developing an Industrial Park at White House, Block-III, 6-3-1192/1/1, Kundan Bagh, Begumpet, District Hyderabad, Andhra Pradesh-500016;

And whereas the Central Government has approved the said Industrial Park *vide* Ministry of Commerce and Industry letter No. 15/158/2005-IP & ID dated 25-9-2006 subject to the terms and conditions mentioned in the annexure to this notification;

Now, therefore, in exercise of the powers conferred by clause (iii) of Sub-section (4) of Section 80-IA of the said Act, the Central Government hereby notifies the undertaking, being developed and being maintained and operated by M/s. Annapurna Builders, Hyderabad, as an Industrial Park for the purposes of the said clause (iii).

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an Industrial Park by M/s. Annapurna Builders Hyderabad.

1. (i) Name of the Industrial Undertaking : Annapurna Builders
- (ii) Proposed location : White House, Block-III, 6-3-1192/1/1, Kundan Bagh, Begumpet, District-Hyderabad, Andhra Pradesh-500 016
- (iii) Area of Industrial Park : 26,130.99 Square Meters
- (iv) Proposed activities :
- (v) Percentage of allocable area : 90.00%

Nature of Industrial activity with NIC Code

S. No.	NIC Code				Description
	Section	Division	Group	Class	
A	7	75	—	—	Communication Services.
B	8	89	892	—	Data processing, software development and computer consultancy services.
C	8	89	893	—	Business and management consultancy activities.
D	8	89	894	—	Architectural and engineering and other technical consultancy activities.
E	8	89	895	—	Technical testing and analysis services.

earmarked for industrial use

(vi) Percentage of allocable area : 10.00%
 earmarked for commercial use

(vii) Minimum number of industrial : 03 Units
 units

(viii) Total investments proposed : 20.00 crores
 (Amount in Rupees)

(ix) Investment on built up space : 15.00 crores
 for industrial use
 (Amount in Rupees)

(x) Investment on Infrastructure : 19.50 crores
 Development including
 investment on built up space
 for industrial use
 (Amount in Rupees)

(xi) Proposed date of : December, 2005
 commencement of the
 Industrial Park

2. The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum expenditure on infrastructure development

including cost of construction of industrial space, shall not be less than 60% of the total project cost.

3. Infrastructure development shall include, roads (including approach roads), water supply and sewerage, common effluent treatment facility, telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.

4. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S.O. 354(E), dated the 1st April, 2002, shall occupy more than fifty per cent of the allocable industrial area of an Industrial Park. For this purpose a unit means any separate and distinct entity for the purpose of one and more State or Central tax laws.

5. Necessary approvals, including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in force, shall be taken separately as per the policy and procedures in force.

6. The tax benefits under the Act can be availed of only after the number of units indicated in Para 1(vii) of this Notification, are located in the Industrial Park.

7. M/s. Annapurna Builders, Hyderabad, shall continue to operate the Industrial Park during the period in which the benefits under clause (iii) of Sub-section (4) of Section 80-IA of the Income-tax Act, 1961 are to be availed.

8. In case the commencement of the Industrial Park is delayed by more than one year from the date indicated in Para 1(xi) of this notification, fresh approval will be required under the Industrial Park Scheme, 2002, for availing benefits under Sub-section 4(iii) of Section 80-IA of the Income-tax Act, 1961.

9. The approval will be invalid and M/s. Annapurna Builders, Hyderabad, shall be solely responsible for any repercussions of such invalidity, if

- (i) the application on the basis of which the approval is accorded by the Central Government contains wrong information/misinformation or some material information has not been provided in it.
- (ii) it is for the location of the Industrial Park for which approval has already been accorded in the name of another undertaking.

10. In case M/s. Annapurna Builders, Hyderabad transfers the operation and maintenance of the Industrial Park (i.e., transferor undertaking) to another undertaking (i.e., the transferee undertaking), the transferor and transferee shall jointly intimate to the Entrepreneurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial Policy and Promotion, Udyog

Bhawan, New Delhi-11 alongwith a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.

11. The conditions mentioned in this notification as well as those included in the Industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The Central Government may withdraw the above approval in case M/s. Annapurna Builders, Hyderabad, fails to comply with any of the conditions.

12. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the Industrial Park.

[Notification No. 376/2006/F. No. 178/141/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 22 दिसम्बर, 2006

(आयकर)

का.आ. 68.—जबकि आयकर अधिनियम, 1961 (1961 का 43) (यहां आगे उक्त अधिनियम कहा गया है) की धारा 80 झ क की उप-धारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार ने 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2002 को समाप्त होने वाली अवधि के लिये संख्या का.आ. 193(अ) दिनांक 30 मार्च, 1999 के ज़रिए तथा 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2006 को समाप्त अवधि के लिए संख्या का.आ. 354(अ) ज़रिए भारत सरकार, वाणिज्य और उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग) की अधिसूचनाओं द्वारा औद्योगिक पार्क की योजना निर्मित और अधिसूचित की है;

और जबकि मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कारपोरेशन लिमिटेड जिसका पंजीकृत कार्यालय उद्योग भवन, तिलक मार्ग, जयपुर-302005 में है, औद्योगिक क्षेत्र खुशखेरा (भिवाड़ी), जिला अलवर, राजस्थान-301019 में एक औद्योगिक पार्क का विकास कर रहा है;

और जबकि केन्द्र सरकार ने इस अधिसूचना के अनुबंध में उल्लिखित नियम और शर्तों के अधीन वाणिज्य तथा उद्योग मंत्रालय के दिनांक 8-8-2006 के पत्र सं. 15/134/05-आई पी एंड आई डी के अन्तर्गत उक्त औद्योगिक पार्क अनुमोदित किया है;

इसलिए, अब, उक्त अधिनियम की धारा 80-झक की उप-धारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्द्वारा उक्त खंड (iii) के प्रयोजनार्थ औद्योगिक पार्क के रूप में मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कारपोरेशन लिमिटेड, जयपुर द्वारा विकसित तथा अनुरक्षित एवं प्रचालित किए जा रहे उक्त उपक्रम को अधिसूचित करती है।

अनुबंध

नियम एवं शर्तें जिन पर भारत सरकार ने मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कारपोरेशन लिमिटेड, जयपुर द्वारा

औद्योगिक पार्क गठित किए जाने हेतु अनुमोदन प्रदान किया है।

1. (i) औद्योगिक उपक्रम का नाम : मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लिमिटेड

(ii) प्रस्तावित स्थान

: औद्योगिक क्षेत्र खुशखेरा (भिवाड़ी), जिला अलवर, राजस्थान-301019

(iii) औद्योगिक पार्क का क्षेत्रफल : 825.83 वर्ग मीटर

(iv) प्रस्तावित कार्यकलाप :

एन आई सी संहिता के साथ औद्योगिक कार्यकलाप का स्वरूप

क्रम सं.	एन आई सी संहिता				विवरण
	अनुभाग	प्रभाग	समूह	श्रेणी	
क	2 और 3	—	—	—	विनिर्माण

(v) औद्योगिक उपयोग के लिए निर्धारित आबंटनीय क्षेत्र का प्रतिशत : 98.79%

(vi) वाणिज्यिक उपयोग के लिए निर्धारित भूमि का प्रतिशत : 01.21%

(vii) औद्योगिक यूनिटों की न्यूनतम संख्या : 695 यूनिटें

(viii) प्रस्तावित कुल निवेश (राशि रुपए में) : 47,97,70,000/-

(ix) औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश (राशि रुपए में) : शून्य

(x) अवसंरचनात्मक विकास पर निवेश जिसमें औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश भी शामिल है (राशि रुपए में) : 30,55,31,000/-

(xi) औद्योगिक पार्क के आरंभ होने की प्रस्तावित तिथि : 31-03-2006

2. किसी औद्योगिक पार्क में अवसंरचना विकास पर न्यूनतम निवेश कुल परियोजना लागत के 50% से कम नहीं होगा। ऐसे औद्योगिक पार्क जो औद्योगिक उपयोग के लिए निर्मित स्थल प्रदान करता है, के मामले में औद्योगिक स्थल के निर्माण कार्य की लागत सहित विकास अवसंरचना विकास पर न्यूनतम खर्च कुल परियोजना लागत के 60% से कम नहीं होगा।

3. संरचना विकास में सड़क (सम्पर्क सड़क सहित), जलापूर्ति तथा सीवरेज, दूषित जल शोधन सुविधा, टेलिकॉम नेटवर्क, विद्युत उत्पादन एवं वितरण, वातानुकूलन तथा ऐसी अन्य सुविधाएं जो औद्योगिक कार्यकलाप हेतु सामान्य उपयोग के लिए हैं जो वाणिज्यिक दृष्टि से निर्धारणीय एवं प्रयुक्त हैं।

4. दिनांक 1 अप्रैल, 2002 की का.आ. 354(अ) के पैराग्राफ 6 के उप-पैराग्राफ (ख) में निर्दिष्ट तालिका के कॉलम (2) में उल्लिखित कोई एकल इकाई किसी औद्योगिक पार्क के लिए नियत औद्योगिक क्षेत्र का 50% से अधिक हिस्सा धारित नहीं करेगी। इस प्रयोजनार्थ किसी इकाई का आशय एक या एक से अधिक राज्य अथवा केन्द्रीय कर कानून के प्रयोजन के लिए किसी अलग तथा भिन्न कम्पनी से है।

5. आवश्यक अनुमोदनों, जिनमें विदेशी निवेश संवर्धन बोर्ड अथवा भारतीय रिजर्व बैंक अथवा यथा समय प्रवृत्त किसी कानून के अन्तर्गत विनिर्दिष्ट किसी प्राधिकरण द्वारा विदेशी प्रत्यक्ष निवेश अथवा अनिवासी भारतीय निवेश के लिए अनुमोदन शामिल है, को प्रवृत्त नीति तथा प्रक्रियाओं के अनुसार अलग से लिया जाएगा।

6. इस अधिसूचना के पैरा (1)(vii) में विनिर्दिष्ट संख्या में इकाइयों के औद्योगिक पार्क में अवस्थित होने के उपरान्त ही इस अधिनियम के अन्तर्गत कर लाभ प्राप्त हो सकते हैं।

7. मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लिमिटेड, जयपुर उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिस अवधि में आयकर अधिनियम, 1961 की धारा 80इक की उप-धारा (4) के खंड (iii) के अन्तर्गत लाभ लिए जाने हैं।

8. यदि उक्त औद्योगिक पार्क के आरंभ होने में इस अधिसूचना के पैरा 1(xi) में निर्दिष्ट तिथि से एक वर्ष से ज्यादा विलम्ब होता है तो आयकर अधिनियम, 1961 की धारा 80-इक की उप-धारा 4 (iii) के अंतर्गत लाभ प्राप्त करने के लिए औद्योगिक पार्क योजना, 2002 के अन्तर्गत नया अनुमोदन प्राप्त करना अपेक्षित होगा।

9. यह अनुमोदन अवैध रहेगा और मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लिमिटेड, जयपुर ऐसी किसी प्रतिक्रिया की अवैधता के लिए स्वयं ही जिम्मेदार होगा, यदि :

- (i) आवेदन पत्र जिसके आधार पर केन्द्र सरकार द्वारा अनुमोदन प्रदान किया गया है, में गलत सूचना/सूचना अथवा कतिपय तथ्यपूर्ण सूचना न दी गई हो।

- (ii) यह उक्त औद्योगिक पार्क की अवस्थिति हेतु है जिसके लिए अनुमोदन किसी अन्य उपक्रम के नाम में पहले ही प्रदान किया गया है।

10. यदि मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लिमिटेड, जयपुर (अर्थात् अन्तरणकर्ता उपक्रम) औद्योगिक पार्क का प्रचालन और अनुरक्षण किसी दूसरे उपक्रम (अर्थात् अंतरिती उपक्रम) को हस्तांतरित करेगा तो अंतरणकर्ता और अंतरिती उपर्युक्त हस्तांतरण के लिए अंतरणकर्ता और अंतरिती उपक्रम के बीच निष्पादित करार की प्रति के साथ औद्योगिक सहायता सचिवालय, औद्योगिक नीति और संवर्धन विभाग, उद्योग भवन, नई दिल्ली-11 की उद्यमशीलता सहायता यूनिट को संयुक्त रूप से सूचित करेंगे।

11. इस अधिसूचना में उल्लिखित शर्तों के साथ-साथ औद्योगिक पार्क स्कीम, 2002 में शामिल उन शर्तों का अनुपालन उस अवधि के दौरान किया जाना चाहिए जिसके लिए इस स्कीम के अंतर्गत लाभ प्राप्त किए जाने हैं। केन्द्र सरकार उपर्युक्त अनुमोदन को वापस ले सकती है। मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लिमिटेड, जयपुर औद्योगिक पार्क स्कीम, 2002 में विहित शर्तों अथवा इस अधिसूचना की किसी भी शर्त के अनुपालन में असफल रहता है।

12. केन्द्र सरकार के अनुमोदन के बिना प्रोजेक्ट प्लान में किया गया कोई भी संशोधन अथवा भविष्य में पता लगना अथवा किसी ठोस तथ्य का उद्घाटन करने में आवेदक का असफल रहना, औद्योगिक पार्क के अनुमोदन को अवैध बना देना।

[अधिसूचना सं. 377/2006/फा. सं. 178/115/2006-आ.क.नि.-I]
दीपक गर्ग, अवर सचिव

New Delhi, the 22nd December, 2006

(INCOME-TAX)

S.O. 68.—Whereas the Central Government in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for Industrial Park, by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy

and Promotion) vide number S.O. 193(E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and vide number S.O. 354(E) dated the 1st day of April, 2002, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006;

And whereas M/s. Rajasthan State Industrial Development & Investment Corporation Limited, having registered office at Udyog Bhawan, Tilak Marg, Jaipur- 302005 is developing an Industrial Park at Industrial Area, Khushkhera (Bhiwadi), District—Alwar, Rajasthan-301019;

And whereas the Central Government has approved the said Industrial Park vide Ministry of Commerce and Industry letter No. 15/134/2005-IP & ID dated 08-08-2006 subject to the terms and conditions mentioned in the annexure to this notification;

Now, therefore, in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the said Act, the Central Government hereby notifies the undertaking, being developed and being maintained and operated by M/s. Rajasthan State Industrial Development & Investment Corporation Limited, Jaipur, as an Industrial Park for the purposes of the said clause (iii).

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an Industrial Park by M/s. Rajasthan State Industrial Development & Investment Corporation Limited, Jaipur.

1. (i) Name of the Industrial Undertaking : Rajasthan State Industrial Development & Investment Corporation Limited
- (ii) Proposed location : Industrial Area, Khushkhera (Bhiwadi), District—Alwar, Rajasthan-301019
- (iii) Area of Industrial Park : 825.83 Acres.
- (iv) Proposed activities :

Nature of Industrial activity with NIC Code

S. No.	NIC Code				Description
	Section	Division	Group	Class	
A	2 & 3	—	—	—	Manufacturing

- | | | | |
|--|-----------|---|----------------|
| (v) Percentage of allocable area earmarked for industrial use : | 98.79 % | (viii) Total investments proposed (Amount in Rupees) : | 47,97,70,000/- |
| (vi) Percentage of allocable area earmarked for commercial use : | 01.21% | (ix) Investment on built-up space for industrial use (Amount in Rupees) : | Nil |
| (vii) Minimum number of industrial units : | 695 Units | | |

- (x) Investment on Infrastructure Development including investment on built-up space for industrial use (Amount in Rupees) : 30,55,31,000/-
- (xi) Proposed date of commencement of the Industrial Park : 31-03-2006

2. The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum expenditure on infrastructure development including cost of construction of industrial space, shall not be less than 60% of the total project cost.

3. Infrastructure development shall include, roads (including approach roads), water supply and sewerage, common effluent treatment facility, telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.

4. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S.O. 354(E), dated the 1st April, 2002, shall occupy more than fifty per cent of the allocable industrial area of an Industrial Park. For this purpose a unit means any separate and distinct entity for the purpose of one and more State or Central tax laws.

5. Necessary approvals, including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in force, shall be taken separately as per the policy and procedures in force.

6. The tax benefits under the Act can be availed of only after the number of units indicated in Para 1(vii) of this Notification, are located in the Industrial Park.

7. M/s. Rajasthan State Industrial Development and Investment Corporation Limited, Jaipur shall continue to operate the Industrial Park during the period in which the benefits under clause (iii) of sub-section (4) of Section 80-IA of the Income-tax Act, 1961 are to be availed.

8. In case the commencement of the Industrial Park is delayed by more than one year from the date indicated in Para 1(xi) of this notification, fresh approval will be required under the Industrial Park Scheme, 2002, for availing benefits under sub-section 4(iii) of Section 80-IA of the Income-tax Act, 1961.

9. The approval will be invalid and M/s. Rajasthan State Industrial Development and Investment Corporation Limited, Jaipur shall be solely responsible for any repercussions of such invalidity, if

- (i) the application on the basis of which the approval is accorded by the Central Government contains wrong information/misinformation or some material information has not been provided in it.
- (ii) it is for the location of the Industrial Park for which approval has already been accorded in the name of another undertaking.

10. In case M/s. Rajasthan State Industrial Development and Investment Corporation Limited, Jaipur transfers the operation and maintenance of the Industrial Park (i.e., transferor undertaking) to another undertaking (i.e., the transferee undertaking), the transferor and transferee shall jointly intimate to the Entrepreneurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi-11 alongwith a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.

11. The conditions mentioned in this notification as well as those included in the Industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The Central Government may withdraw the above approval in case M/s. Rajasthan State Industrial Development and Investment Corporation Limited, Jaipur, fails to comply with any of the conditions.

12. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the Industrial Park.

[Notification No. 377/2006/F. No. 178/115/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 22 दिसम्बर, 2006

(आयकर)

का.आ. 69.—जबकि आयकर अधिनियम, 1961 (1961 का 43) (यहाँ आगे उक्त अधिनियम कहा गया है) की धारा 80 झ क की उप-धारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार ने 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2002 को समाप्त होने वाली अवधि के लिये संख्या का.आ. 193(अ), दिनांक 30 मार्च, 1999 के ज़रिए तथा 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2006 को समाप्त अवधि के लिए संख्या का.आ. 354(अ), दिनांक 1 अप्रैल, 2002 के ज़रिए भारत सरकार वाणिज्य और उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग) की अधिसूचनाओं द्वारा औद्योगिक पार्क की योजना निर्मित और अधिसूचित की है ;

और जबकि मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कॉर्पोरेशन लिमिटेड, जिसका पंजीकृत कार्यालय उद्योग

भवन, तिलक मार्ग, जयपुर-302005 में है, नीमराना फेस-1, जिला अलवर, राजस्थान-301706 में एक औद्योगिक पार्क का विकास कर रहा है;

और जबकि केन्द्र सरकार ने इस अधिसूचना के अनुबंध में उल्लिखित शर्तों के अधीन वाणिज्य तथा उद्योग मंत्रालय के दिनांक 24-4-2006 के पत्र सं. 15/201/2005-आई पी एंड आई डी के अन्तर्गत उक्त औद्योगिक पार्क को अनुमोदित किया है;

अब इसलिए उक्त अधिनियम की धारा 80 झ क की उप-धारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा उक्त खंड (iii) के प्रयोजनार्थ औद्योगिक पार्क के रूप में मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लिमिटेड, जयपुर द्वारा विकसित तथा अनुरक्षित एवं प्रचालित किए जा रहे उक्त उपक्रम को अधिसूचित करती है।

एन आई सी संहिता के साथ औद्योगिक कार्यकलाप का स्वरूप

एन आई सी संहिता					विवरण
क्रम सं.	अनुभाग	प्रभाग	समूह	श्रेणी	
क	2 एवं 3	—	—	—	विनिर्माण
(v)	औद्योगिक उपयोग के लिए प्रस्तावित आबंटनीय क्षेत्र का प्रतिशत	:	86.16%		3. अवसंरचना विकास में सड़क (सम्पर्क सड़क सहित), जलापूर्ति तथा सीवरेंज, दूषित जल शोधन सुविधा, टेलिकॉम नेटवर्क, विद्युत उत्पादन एवं वितरण, वातानुकूलन तथा ऐसी अन्य सुविधाएं जो औद्योगिक कार्यकलाप हेतु सामान्य उपयोग के लिए हैं जो निर्धारणीय हैं एवं वाणिज्यिक दृष्टि से उपलब्ध कराई जाती हैं।
(vi)	वाणिज्यिक उपयोग के लिए निर्धारित भूमि का प्रतिशत	:	3.11%		4. दिनांक 1 अप्रैल, 2002 की का.आ. 354(अ) के पैराग्राफ 6 के उप-पैराग्राफ (ख) में निर्दिष्ट तालिका के कॉलम (2) में उल्लिखित कोई एकल इकाई किसी औद्योगिक पार्क के लिए नियत औद्योगिक क्षेत्र का 50% से अधिक हिस्सा धारित नहीं करेगी। इस प्रयोजनार्थ किसी इकाई का आशय एक या एक से अधिक राज्य अथवा केन्द्रीय कर कानून के प्रयोजन के लिए किसी अलग तथा भिन्न कम्पनी से है।
(vii)	औद्योगिक यूनिटों की न्यूनतम संख्या	:	113 यूनिटें		5. आवश्यक अनुमोदनों, जिनमें विदेशी निवेश संवर्धन बोर्ड अथवा भारतीय रिजर्व बैंक अथवा यथा समय प्रवृत्त किसी कानून के अन्तर्गत विनिर्दिष्ट किसी प्राधिकरण द्वारा विदेशी प्रत्यक्ष निवेश अथवा अनिवासी भारतीय निवेश भी शामिल हैं, को प्रवृत्त नीति तथा प्रक्रियाओं के अनुसार अलग से लिया जाएगा।
(viii)	प्रस्तावित कुल निवेश (राशि रुपए में)	:	3075.00 लाख		6. इस अधिसूचना के पैरा 1(vii) में विनिर्दिष्ट संख्या में इकाइयों के औद्योगिक पार्क में अवस्थित होने के उपरान्त ही इस अधिनियम के अन्तर्गत लाभ प्राप्त हो सकते हैं।
(ix)	औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश (राशि रुपए में)	:	शून्य		7. मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लिमिटेड, जयपुर उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिस अवधि में आयकर अधिनियम, 1961 की धारा 80झ क की उप-धारा (4) के खंड (iii) के अन्तर्गत लाभ लिए जाने हैं।
(x)	अवसंरचनात्मक विकास पर निवेश जिसमें औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश भी शामिल है (राशि रुपए में)	:	1965.00 लाख		
(xi)	औद्योगिक पार्क के आरंभ होने की तिथि	:	31-03-2006		

2. किसी औद्योगिक पार्क में अवसंरचना विकास पर न्यूनतम निवेश कुल परियोजना लागत के 50% से कम नहीं होगा। ऐसे औद्योगिक पार्क जो औद्योगिक उपयोग के लिए निर्मित स्थल प्रदान करता है, के मामले में औद्योगिक स्थल के निर्माण कार्य की लागत सहित विकास अवसंरचना विकास पर न्यूनतम खर्च कुल परियोजना लागत के 60% से कम नहीं होगा।

अनुबंध

शर्तें जिन पर भारत सरकार ने मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लिमिटेड, जयपुर द्वारा औद्योगिक पार्क गठित किए जाने हेतु अनुमोदन प्रदान किया गया है।

1. (i) औद्योगिक उपक्रम का नाम : राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लिमिटेड,
- (ii) प्रस्तावित स्थान : नीमराना फेस-1, जिला-अलवर, राजस्थान-301706
- (iii) औद्योगिक पार्क का कुल क्षेत्रफल : 644.75 एकड़
- (iv) प्रस्तावित कार्यकलाप :

8. यदि उक्त औद्योगिक पार्क के आरंभ होने में इस अधिसूचना के पैरा 1(xi) में निर्दिष्ट तिथि से एक वर्ष से ज्यादा विलम्ब होगा तो आयकर अधिनियम, 1961 की धारा 80 झ क की उप-धारा 4 (iii) के अंतर्गत लाभ प्राप्त करने के लिए औद्योगिक पार्क योजना, 2002 के अन्तर्गत नया अनुमोदन प्राप्त करना अपेक्षित होगा।

9. यह अनुमोदन अवैध रहेगा और मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लि., जयपुर ऐसी किसी अवैधता की प्रतिक्रिया के लिए स्वयं ही जिम्मेदार होगा, यदि :

- (i) आवेदन पत्र जिसके आधार पर केन्द्र सरकार द्वारा अनुमोदन प्रदान किया गया है, में गलत सूचना/वृत्तिपूर्ण सूचना अथवा कतिपय तथ्यपरक सूचना न दी गई हो।
- (ii) यह उक्त औद्योगिक पार्क की अवस्थिति हेतु हो जिसके लिए अनुमोदन किसी अन्य उपक्रम के नाम में पहले ही प्रदान किया गया हो।

10. यदि मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लि., जयपुर (अर्थात् अन्तरणकर्ता उपक्रम) औद्योगिक पार्क का प्रचालन और अनुरक्षण किसी दूसरे उपक्रम (अर्थात् अंतरिती उपक्रम) को हस्तांतरित करेगा तो अंतरणकर्ता और अंतरिती उपर्युक्त हस्तांतरण के लिए अंतरणकर्ता और अंतरिती उपक्रम के बीच निष्पादित करार की प्रति के साथ औद्योगिक सहायता सचिवालय, औद्योगिक नीति और संवर्धन विभाग, उद्योग भवन, नई दिल्ली-11 की उद्यमशीलता सहायता यूनिट को संयुक्त रूप से सूचित करेंगे।

11. इस अधिसूचना में उल्लिखित शर्तों के साथ-साथ औद्योगिक पार्क स्कीम, 2002 में शामिल शर्तों का अनुपालन उस अवधि के दौरान किया जाना चाहिए जिसमें इस स्कीम के अंतर्गत लाभ प्राप्त किए जाने हैं। केन्द्र सरकार उपर्युक्त अनुमोदन को वापस ले सकती है यदि मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लि., जयपुर किसी भी शर्त के अनुपालन में असफल रहता है।

12. केन्द्र सरकार के अनुमोदन के बिना प्रोजेक्ट प्लान में किया गया कोई भी संशोधन अथवा भविष्य में पता लगना अथवा किसी ठोस तथ्य का उद्घाटन करने में आवेदक का असफल रहना, औद्योगिक पार्क के अनुमोदन को अवैध बना देना।

[अधिसूचना सं. 378/2006/फा. सं. 178/116/2006-आ.क.नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 22nd December, 2006

(INCOME-TAX)

S.O. 69.—Whereas the Central Government in exercise of the powers conferred by clause (iii) of

sub-section (4) of Section 80-IA of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for Industrial Park, by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) vide number S.O. 193(E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and vide number S.O. 354(E) dated the 1st day of April, 2002, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2006;

And whereas M/s. Rajasthan State Industrial Development & Investment Corporation Limited, having registered office at Udyog Bhawan, Tilak Marg, Jaipur-302005 is developing an Industrial Park at Neeamrana Phase-I, District—Alwar, Rajasthan—301706;

And whereas the Central Government has approved the said Industrial Park vide Ministry of Commerce and Industry letter No. 15/201/2005-IP & ID dated 24-4-2006 subject to the terms and conditions mentioned in the annexure to this notification :

Now, therefore, in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the said Act, the Central Government hereby notifies the undertaking, being developed and being maintained and operated by M/s. Rajasthan State Industrial Development & Investment Corporation Limited, Jaipur, as an Industrial Park for the purposes of the said clause (iii).

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an Industrial Park by M/s. Rajasthan State Industrial Development & Investment Corporation Limited, Jaipur.

1. (i) Name of the Industrial Undertaking : Rajasthan State Industrial Development & Investment Corporation Limited
- (ii) Proposed location : Neeamrana Phase-I, District Alwar Rajasthan-301706
- (iii) Area of Industrial Park : 644.75 Acres.
- (iv) Proposed activities

Nature of Industrial activity with NIC Code

S. No.	NIC Code				Description
	Section	Division	Group	Class	
A	2 & 3	—	—	—	Manufacturing

- (v) Percentage of allocable area earmarked for industrial use : 86.16 %
- (vi) Percentage of allocable area earmarked for commercial use : 3.11%
- (vii) Minimum number of industrial units : 113 Units
- (viii) Total investments proposed (Amount in Rupees) : 3075.00 Lakhs
- (ix) Investment on built-up space for industrial use (Amount in Rupees) : Nil
- (x) Investment on Infrastructure Development including investment on built-up space for industrial use (Amount in Rupees) : 1965.00 Lakhs
- (xi) Proposed date of Commencement of the Industrial Park : 31-03-2006

2. The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum expenditure on infrastructure development including cost of construction of industrial space, shall not be less than 60% of the total project cost.

3. Infrastructure development shall include, roads (including approach roads), water supply and sewerage, common effluent treatment facility, telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.

4. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S. O. 354 (E), dated the 1st April, 2002, shall occupy more than fifty per cent of the allocable industrial area of an Industrial Park. For this purpose a unit means any separate and distinct entity for the purpose of one and more State or Central tax laws.

5. Necessary approvals, including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank of India or any authority specified under any law for the time being in force, shall be taken separately as per the policy and procedures in force.

6. The tax benefits under the Act can be availed of only after the number of units indicated in Para 1(vii) of this Notification, are located in the Industrial Park.

7. M/s. Rajasthan State Industrial Development and Investment Corporation Limited, Jaipur shall continue to operate the Industrial Park during the period in which the

benefits under clause (iii) of sub-section (4) of Section 80-IA of the Income-tax Act, 1961 are to be availed.

8. In case the commencement of the Industrial Park is delayed by more than one year from the date indicated in Para 1(xi) of this notification, fresh approval will be required under the Industrial Park Scheme, 2002, for availing benefits under sub-section 4(iii) of Section 80-IA of the Income-tax Act, 1961.

9. The approval will be invalid and M/s. Rajasthan State Industrial Development and Investment Corporation Limited, Jaipur shall be solely responsible for any repercussions of such invalidity, if

- (i) the application on the basis of which the approval is accorded by the Central Government contains wrong information/misinformation or some material information has not been provided in it.
- (ii) it is for the location of the Industrial Park for which approval has already been accorded in the name of another undertaking.

10. In case M/s. Rajasthan State Industrial Development and Investment Corporation Limited, Jaipur transfers the operation and maintenance of the Industrial Park (i.e., transferor undertaking) to another undertaking (i.e., the transferee undertaking), the transferor and transferee shall jointly intimate to the Entrepreneurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi-11 along with a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.

11. The conditions mentioned in this notification as well as those included in the Industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The Central Government may withdraw the above approval in case M/s. Rajasthan State Industrial Development and Investment Corporation Limited, Jaipur, fails to comply with any of the conditions.

12. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the Industrial Park.

[Notification No. 378/2006/F. No. 178/116/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 22 दिसम्बर, 2006

(आयकर)

का.आ. 70.—जबकि आयकर अधिनियम, 1961 (1961 का 43) (यहाँ आगे उक्त अधिनियम कहा गया है) की धारा 80 झ क की उपधारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार ने 1 अप्रैल, 1997 से शुरू होकर तथा

31 मार्च, 2002 को समाप्त होने वाली अवधि के लिये संख्या का.आ. 193(अ) दिनांक 30 मार्च, 1999 के जरिए तथा 1 अप्रैल, 1997 से शुरू होकर तथा 31 मार्च, 2006 को समाप्त अवधि के लिए संख्या का.आ. 354(अ), दिनांक 1 अप्रैल, 2002 के जरिए भारत सरकार वाणिज्य और उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग) की अधिसूचनाओं द्वारा औद्योगिक पार्क की योजना निर्मित और अधिसूचित की है ;

और, जबकि, मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कारपोरेशन लिमिटेड, जिसका पंजीकृत कार्यालय उद्योग भवन, तिलक मार्ग, जयपुर-302005 में है, श्री खादूरश्यामजी इंडस्ट्रियल कॉम्प्लैक्स, रिंगस, जिला-सीकर, राजस्थान-332001 में एक औद्योगिक पार्क का विकास कर रहा है;

और, जबकि, केन्द्र सरकार ने, इस अधिसूचना के अनुबंध में उल्लिखित शर्तों के अधीन वाणिज्य तथा उद्योग मंत्रालय के दिनांक 4-05-2006 के पत्र सं. 15/96/2005-आई पी एंड आई डी के अन्तर्गत उक्त औद्योगिक पार्क अनुमोदित किया है;

अब, इसलिए, उक्त अधिनियम की धारा 80 झक की उप-धारा (4) के खंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए,

एन आई सी संहिता के साथ औद्योगिक कार्यकलाप का स्वरूप

एन आई सी संहिता					विवरण
क्रम सं.	अनुभाग	प्रभाग	समूह	श्रेणी	
क	2 एवं 3	—	—	—	विनिर्माण
(v)	औद्योगिक उपयोग के लिए निर्धारित आबंटनीय क्षेत्र का प्रतिशत	: 98.48%			2. किसी औद्योगिक पार्क में अवसंरचना विकास पर न्यूनतम निवेश कुल परियोजना लागत के 50% से कम नहीं होगा। ऐसे औद्योगिक पार्क जो औद्योगिक उपयोग के लिए निर्मित स्थल प्रदान करता है, के मामले में औद्योगिक स्थल के निर्माण कार्य की लागत सहित विकास अवसंरचना पर न्यूनतम खर्च कुल परियोजना लागत के 60% से कम नहीं होगा।
(vi)	वाणिज्यिक उपयोग के लिए निर्धारित क्षेत्र का प्रतिशत	: 1.51%			
(vii)	औद्योगिक यूनिटों की न्यूनतम संख्या	: 81 यूनिटें			
(viii)	प्रस्तावित कुल निवेश (राशि रुपए में)	: 6,05,42,000/-			
(ix)	औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश (राशि रुपए में)	: शून्य			
(x)	अवसंरचनात्मक विकास पर निवेश जिसमें औद्योगिक उपयोग के लिए निर्मित स्थान पर निवेश भी शामिल है (राशि रुपए में)	: 5,55,42,000/-			3. अवसंरचना विकास में सड़क (सम्पर्क सड़क सहित), जलापूर्ति तथा सीवरेज, दूषित जल शोधन सुविधा, टेलिकॉम नेटवर्क, विद्युत उत्पादन एवं बितरण, वातानुकूलन तथा ऐसी अन्य सुविधाएं जो औद्योगिक कार्यकलाप हेतु सामान्य उपयोग के लिए हैं जो निर्धारणीय हैं एवं वाणिज्यिक दृष्टि से उपलब्ध कराई जाती हैं।
(xi)	औद्योगिक पार्क के आरंभ होने की तिथि	: 31-03-2006			

केन्द्र सरकार एतद्वारा उक्त खंड (iii) के प्रयोजनार्थ औद्योगिक पार्क के रूप में मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कारपोरेशन लिमिटेड, जयपुर द्वारा विकसित तथा अनुरक्षित एवं प्रचालित किए जा रहे उक्त उपक्रम को अधिसूचित करती है।

अनुबंध

शर्तें जिन पर भारत सरकार ने मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कारपोरेशन लिमिटेड, जयपुर द्वारा औद्योगिक पार्क गठित किए जाने हेतु अनुमोदन प्रदान किया है।

1. (i) औद्योगिक उपक्रम का नाम : राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कारपोरेशन लिमिटेड
- (ii) प्रस्तावित स्थान : श्री खादूरश्यामजी इंडस्ट्रियल कॉम्प्लैक्स, रिंगस, जिला-सीकर, राजस्थान-332001
- (iii) औद्योगिक पार्क का क्षेत्रफल : 226.50 एकड़
- (iv) प्रस्तावित कार्यकलाप :

4. दिनांक 1 अप्रैल, 2002 की सं. का.आ. 354(अ) के पैराग्राफ 6 के उप-पैराग्राफ (ख) में निर्दिष्ट तालिका के कालम (2) में उल्लिखित कोई भी एकल इकाई किसी औद्योगिक पार्क के लिए नियत औद्योगिक क्षेत्र का 50 से अधिक हिस्सा धारित नहीं करेगी। इस प्रयोजनार्थ किसी इकाई का आशय एक या एक से अधिक राज्य अथवा केन्द्रीय कर कानून के प्रयोजन के लिए किसी अलग तथा भिन्न कम्पनी से है।

5. आवश्यक अनुमोदनों, जिनमें विदेशी निवेश संवर्धन बोर्ड अथवा भारतीय रिजर्व बैंक अथवा समय प्रवृत्त किसी कानून के

अन्तर्गत विनिर्दिष्ट किसी प्राधिकरण के द्वारा विदेशी प्रत्यक्ष निवेश अथवा अनिवासी भारतीय निवेश भी शामिल है, को प्रवृत्त नीति तथा प्रक्रियाओं के अनुसार अलग से लिया जाएगा।

6. इस अधिसूचना के पैरा (1)(vii) में विनिर्दिष्ट संख्या में इकाइयों के औद्योगिक पार्क में अवस्थित होने के उपरान्त ही इस अधिनियम के अन्तर्गत कर लाभ प्राप्त हो सकते हैं।

7. मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लि., जयपुर उस अवधि के दौरान औद्योगिक पार्क का प्रचालन जारी रखेगा जिस अवधि में आयकर अधिनियम, 1961 की धारा 80 झक की उप-धारा (4) के खंड (iii) के अन्तर्गत लाभ लिए जाने हैं।

8. यदि उक्त औद्योगिक पार्क के आरंभ होने में इस अधिसूचना के पैरा 1(xi) में निर्दिष्ट तिथि से एक वर्ष से ज्यादा विलम्ब होगा तो आयकर अधिनियम, 1961 की धारा 80 झक की उपधारा 4 (iii) के अंतर्गत लाभ प्राप्त करने के लिए औद्योगिक पार्क योजना, 2002 के अन्तर्गत नया अनुमोदन प्राप्त करना अपेक्षित होगा।

9. यह अनुमोदन अवैध रहेगा और मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लि., जयपुर ऐसी किसी अवैधता की प्रतिक्रिया के लिए स्वयं ही जिम्मेदार होगा, यदि—

- (i) आवेदन पत्र जिसके आधार पर केन्द्र सरकार द्वारा अनुमोदन प्रदान किया गया है, में गलत सूचना/ त्रुटिपूर्ण सूचना अथवा कतिपय तथ्यपरक सूचना न दी गई हो।
- (ii) यह उक्त औद्योगिक पार्क की अवस्थिति हेतु है जिसके लिए अनुमोदन किसी अन्य उपक्रम के नाम में पहले ही प्रदान किया गया हो।

10. यदि मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लि., जयपुर (अर्थात् अन्तरणकर्ता उपक्रम) औद्योगिक पार्क का प्रचालन और अनुरक्षण किसी दूसरे उपक्रम (अर्थात् अंतरिती उपक्रम) को हस्तांतरित करेगा तो अंतरणकर्ता और अंतरिती उपर्युक्त हस्तांतरण के लिए अंतरणकर्ता और अंतरिती उपक्रम के बीच निष्पादित करार की प्रति के साथ औद्योगिक सहायता सचिवालय, औद्योगिक नीति और संवर्धन विभाग, उद्योग भवन, नई दिल्ली-11 की उद्यमशीलता सहायता यूनिट को संयुक्त रूप से सूचित करेंगे।

11. इस अधिसूचना में उल्लिखित शर्तों के साथ-साथ औद्योगिक पार्क स्कीम, 2002 में शामिल उन शर्तों का अनुपालन उस अवधि के दौरान किया जाना चाहिए जिसमें लिए इस स्कीम के अंतर्गत लाभ प्राप्त किए जाने हैं। केन्द्र सरकार उपर्युक्त अनुमोदन को वापस ले सकती है यदि मैसर्स राजस्थान स्टेट इंडस्ट्रियल डेवलपमेंट एंड इन्वेस्टमेंट कार्पोरेशन लि., जयपुर किसी भी शर्त के अनुपालन में असफल रहता है।

12. केन्द्र सरकार के अनुमोदन के बिना प्रोजेक्ट प्लान में किया गया कोई भी संशोधन अथवा भविष्य में पता लगना अथवा किसी ठोस तथ्य का उद्घाटन करने में आवेदक का असफल रहना,

औद्योगिक पार्क के अनुमोदन को अवैध बना देना।

[अधिसूचना सं. 379/2006/फा. सं. 178/133/2006-आ.क.नि.-I]
दीपक गर्ग, अवर सचिव

New Delhi, the 22nd December, 2006

(INCOME-TAX)

S.O. 70 .—Whereas, the Central Government in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the Income-tax Act, 1961 (43 of 1961) (hereinafter referred to as the said Act), has framed and notified a scheme for Industrial Park, by the notifications of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) *vide* number S.O. 193(E), dated the 30th March, 1999, for the period beginning on the 1st day of April, 1997 and ending on the 31st day of March, 2002 and *vide* number S.O. 354(E) dated the 1st day of April, 1997 and ending on the 31st day of March, 2006;

And, whereas, M/s. Rajasthan State Industrial Development & Investment Corporation Limited, having registered Office at Udyog Bhawan, Tilak Marg, Jaipur- 302005 is developing an Industrial Park, at Shri Khatushyamji Industrial Complex, Reengus, District-Sikar, Rajasthan-332001;

And, whereas, the Central Government has approved the said Industrial Park *vide* Ministry of Commerce and Industry letter No. 15/96/2005-IP & ID dated 04-05-2006 subject to the terms and conditions mentioned in the annexure to this notification;

Now, therefore, in exercise of the powers conferred by clause (iii) of sub-section (4) of Section 80-IA of the said Act, the Central Government hereby notifies the undertaking, being developed and being maintained and operated by M/s. Rajasthan State Industrial Development & Investment Corporation Limited, Jaipur, as an Industrial Park for the purposes of the said clause (iii).

ANNEXURE

The terms and conditions on which the approval of the Government of India has been accorded for setting up of an Industrial Park by M/s. Rajasthan State Industrial Development & Investment Corporation Limited, Jaipur.

1. (i) Name of the Industrial Undertaking : Rajasthan State Industrial Development & Investment Corporation Limited
- (ii) Proposed location : Shri Khatushyamji Industrial Complex, Reengus, District-Sikar, Rajasthan-332 001
- (iii) Area of Industrial Park : 226-50 Acres.
- (iv) Proposed activities :

Nature of Industrial activity with NIC Code

S. No.	NIC Code		Description	
	Section	Division	Group	Class
A	2 & 3	—	—	—
				Manufacturing
(v)	Percentage of allocable area earmarked for industrial use	:	98.48 %	of India or any authority specified under any law for the time being in force, shall be taken separately as per the policy and procedures in force.
(vi)	Percentage of allocable area earmarked for commercial use	:	1.51 %	
(vii)	Minimum number of industrial units	:	81 Units	6. The tax benefits under the Act can be availed of only after the number of units indicated in Para 1(vii) of this Notification, are located in the Industrial Park.
(viii)	Total investments proposed (Amount in Rupees)	:	6,05,42,000/-	7. M/s. Rajasthan State Industrial Development and Investment Corporation Limited, Jaipur shall continue to operate the Industrial Park during the period in which the benefits under clause (iii) of Sub-section (4) of Section 80-IA of the Income-tax Act, 1961 are to be availed.
(ix)	Investment on built-up space for industrial use (Amount in Rupees)	:	Nil	8. In case the commencement of the Industrial Park is delayed by more than one year from the date indicated in Para 1(xi) of this notification, fresh approval will be required under the Industrial Park Scheme, 2002, for availing benefits under Sub-section 4(iii) of Section 80-IA of the Income-tax Act, 1961.
(x)	Investment on Infrastructure Development including investment on built-up space for industrial use (Amount in Rupees)	:	5,55,42,000/-	9. The approval will be invalid and M/s. Rajasthan State Industrial Development and Investment Corporation Limited, Jaipur shall be solely responsible for any repercussions of such invalidity, if
(xi)	Proposed date of Commencement of the Industrial Park	:	31-03-2005	

2. The minimum investment on infrastructure development in an Industrial Park shall not be less than 50% of the total project cost. In the case of an Industrial Park which provides built-up space for industrial use, the minimum expenditure on infrastructure development including cost of construction of industrial space, shall not be less than 60% of the total project cost.

3. Infrastructure development shall include, roads (including approach roads), water supply and sewerage, common effluent treatment facility, telecom network, generation and distribution of power, air-conditioning and such other facilities as are for common use for industrial activity which are identifiable and are provided on commercial terms.

4. No single unit referred to in column (2) of the Table given in sub-paragraph (b) of paragraph 6 of S. O. 354 (E), dated the 1st April, 2002, shall occupy more than fifty per cent of the allocable industrial area of an Industrial Park. For this purpose a unit means any separate and distinct entity for the purpose of one and more State or Central tax laws.

5. Necessary approvals, including that for foreign direct investment or non-resident Indian investment by the Foreign Investment Promotion Board or Reserve Bank

(i) the application on the basis of which the approval is accorded by the Central Government contains wrong information/misinformation or some material information has not been provided in it.

(ii) it is for the location of the Industrial Park for which approval has already been accorded in the name of another undertaking.

10. In case M/s. Rajasthan State Industrial Development and Investment Corporation Limited, Jaipur transfers the operation and maintenance of the Industrial Park (i.e., transferor undertaking) to another undertaking (i.e., the transferee undertaking), the transferor and transferee shall jointly intimate to the Entrepreneurial Assistance Unit of the Secretariat for Industrial Assistance, Department of Industrial Policy and Promotion, Udyog Bhawan, New Delhi-11 along with a copy of the agreement executed between the transferor and transferee undertaking for the aforesaid transfer.

11. The conditions mentioned in this notification as well as those included in the Industrial Park Scheme, 2002 should be adhered to during the period for which benefits under this scheme are to be availed. The Central

Government may withdraw the above approval in case M/s. Rajasthan State Industrial Development and Investment Corporation Limited, Jaipur, fails to comply with any of the conditions.

12. Any amendment of the project plan without the approval of the Central Government or detection in future, or failure on the part of the applicant to disclose any material fact, will invalidate the approval of the Industrial Park.

[Notification No. 379/2006/F. No. 178/133/2006-ITA-I]

DEEPAK GARG, Under Secy.

(सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क आयुक्त का कार्यालय)

सेलम, 20 दिसम्बर, 2006

सं. 05/2006-सीमा शुल्क (एन टी)

का.आ. 71.—सीमा शुल्क अधिनियम 1962 की धारा 152 खण्ड (ए) के अंतर्गत भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली के दिनांक 1 जुलाई, 1994 की अधिसूचना सं. 33/94- सीमा शुल्क (एन. टी) के अधीन अधोहस्ताक्षरी को प्रत्यायोजित शक्तियों का प्रयोग करते हुए मैं, एस. रमेश, आयुक्त, सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क, सेलम एतद्वारा तमिलनाडु राज्य, सेलम जिला, शंकरी तालुक के देवणगण्डनूर ग्राम के सर्वे सं 76/2 ब तथा 76/7 को सीमा शुल्क अधिनियम 1962 की धारा 9 के अंतर्गत क्वाराइंग ग्रेनाइट्स हेतु 100% निर्यातोन्मुख एकक (ई.ओ.यू.) के गठन के उद्देश्य से भाण्डागारण स्टेशन के रूप में घोषित करता हूँ, जैसा कि वाणिज्य एवं उद्योग मंत्रालय, वाणिज्य विभाग, मद्रास निर्यात प्रक्रिया क्षेत्र, चेन्नई के पत्र संख्या फा. सं. अ/2002(006)/ ई.ओ.यू.-अधि. द्वारा अनुमोदित है।

[फा. सं. सी. सं. VIII/48/43/2006 सीमा शुल्क नीति]

एस. रमेश, आयुक्त

(OFFICE OF THE COMMISSIONER OF CUSTOMS
AND CENTRAL EXCISE)

Salem, the 20th December, 2006

NO. 05/2006-CUSTOMS (NT)

S.O. 71.—In exercise of the powers delegated to the undersigned, *vide* Notification No. 33/94-CUS. (NT), dated 1st July, 1994, by the Government of India, Ministry of Finance, Department of Revenue, New Delhi under clause (a) of section 152 of the Customs Act 1962, I, S. Ramesh, Commissioner of Customs and Central Excise, Salem, hereby declare Survey Nos. 76/2B & 76/7 of Devannagoundanur village, Sankari Taluk in Salem District of Tamilnadu state, to be a warehousing Station under section 9 of the customs Act, 1962, for quarrying granites

exclusively for the 100% Export Oriented Unit, as approved by the Ministry of Commerce & Industry, Department of Commerce, Madras Export Processing Zone, Chennai *vide* letter F. No. A/2002(006/EOU-TN, dated 01-09-2006.

[F. No. C. No. VIII/48/43/2006-CUS. POL.]

S. RAMESH, Commissioner

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 2 जनवरी, 2007

का.आ. 72.—भारतीय स्टेट बैंक (अनुषंगी बैंक) अधिनियम, 1959 की धारा 26 की उपधारा (2क) के साथ पठित धारा 25 की उपधारा (1) के खंड (गक) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा स्टेट बैंक ऑफ मैसूर के कर्मचारियों में से श्री शिवाजी राव पवार, विशेष सहायक, स्टेट बैंक ऑफ मैसूर, बैंगलोर शाखा को अधिसूचना की तारीख से तीन वर्ष की अवधि तक अथवा उनके उत्तराधिकारी की विधिवत नियुक्ति होने तक अथवा स्टेट बैंक ऑफ मैसूर के कर्मकार कर्मचारी के रूप में उनकी सेवाएं समाप्त होने तक या अगले आदेश तक, इनमें से जो भी पहले हो, स्टेट बैंक ऑफ मैसूर के निदेशक बोर्ड में निदेशक के रूप में नियुक्त करती है।

[फा. सं. 15/2/2006-आईआर]

रमेश चन्द, अवर सचिव

(Department of Economic Affairs)

(BANKING DIVISION)

New Delhi, the 2nd January, 2007

S.O. 72.—In pursuance of clause (ca) of sub-section (1) of Section 25 read with sub-section (2A) of Section 26 of the State Bank of India (Subsidiary Banks) Act, 1959, the Central Government hereby appoints Shri Shivaji Rao Powar, Special Assistant, State Bank of Mysore, Bangalore Branch, as director on the Board of State Bank of Mysore from amongst the employees of State Bank of Mysore, who are workmen, for a period of three years from the date of notification or until his successor is duly appointed or until he ceases to be an employee of the State Bank of Mysore, or until further orders, whichever is earliest.

[F. No. 15/2/2006-IR]

RAMESH CHAND, Under Secy.

नई दिल्ली, 3 जनवरी, 2007

का.आ. 73.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 3 के उप-खण्ड (2) (i) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खण्ड (ड) द्वारा प्रदत्त

शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री सुरेश कुमार रस्तगी, लिपिक, सिंडिकेट बैंक को नियुक्ति की तारीख से तीन वर्ष की अवधि के लिए अथवा उनके उत्तराधिकारी के नियुक्त होने तक अथवा उनके सिंडिकेट बैंक के कर्मकार कर्मचारी बने रहने तक, जो भी पहले हो, सिंडिकेट बैंक के निदेशक बोर्ड में कर्मचारी निदेशक के रूप में नियुक्त करती है।

[फा. सं. 15/4/2006-आई आर]

एम. के. मल्होत्रा, अवर सचिव

New Delhi, the 3rd January, 2007

S.O. 73.—In exercise of the powers conferred by clause (e) of the Sub-section 3 of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub-clause (2) (i) of Clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints Shri Suresh Kumar Rustagi, Clerk, Syndicate Bank as Workmen Employee Director on the Board of Directors of Syndicate Bank for a period of three years with effect from the date of his appointment or until his successor is appointed or till he ceases to be a workmen employee of Syndicate Bank, whichever is earliest.

[F.No. 15/4/2006-IR]

M.K. MALHOTRA, Under Secy.

नागर विमानन मंत्रालय

(एएआई अनुभाग)

नई दिल्ली, 26 दिसम्बर, 2006

का.आ. 74.—भारतीय प्राधिकरण अधिनियम, 1994 (1994 का सं. 55) की धारा 3 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एतद्वारा, केन्द्र सरकार तत्काल प्रभाव से श्री प्रशान्त के. मिश्रा, आई ए एस के स्थान पर भारतीय विमानपत्तन प्राधिकरण बोर्ड के अंशकालिक सदस्य के रूप में श्री रघु मेनन, आई ए एस तथा नागर विमानन मंत्रालय में अपर सचिव तथा वित्तीय सलाहकार को नियुक्त करती है।

[फा. सं. एवी-24015/005/94-वीबी]

सर्वेश कुमार आर्य, अवर सचिव

MINISTRY OF CIVIL AVIATION

(AAI SECTION)

New Delhi, the 26th December, 2006

S.O. 74.—In exercise of the powers conferred by Section 3 of the Airports Authority of India Act, 1994

(No. 55 of 1994), the Central Government hereby appoints Shri Raghu Menon, IAS and Additional Secretary and Financial Adviser in the Ministry of Civil Aviation as Part-time Member on the Board of Airports Authority of India vice Shri Prashanta K. Mishra, IAS, with immediate effect.

[F.No. AV-24015/005/94-VB]

SARWESH KUMAR ARYA, Under Secy.

संचार और सूचना प्रौद्योगिकी मंत्रालय

(दूरसंचार विभाग)

(राजभाषा अनुभाग)

नई दिल्ली, 29 दिसम्बर, 2006

का.आ. 75.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित 1987) के नियम 10(4) के अनुसरण में संचार और सूचना प्रौद्योगिकी मंत्रालय, दूरसंचार विभाग के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालय को, जिसमें 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है एतद्वारा अधिसूचित करती है।

महाप्रबंधक (पश्चिम-III) महानगर, टेलिफोन निगम लिमिटेड,
मुम्बई-400067

[फा. सं. ई-11016/1/2005-रा. भा.]

कीर्ती कुमार, उपमहानिदेशक (समन्वय एवं प्रशासन)

MINISTRY OF COMMUNICATIONS AND
INFORMATION TECHNOLOGY

(Department of Telecommunications)

(O. L. SECTION)

New Delhi, the 29th December, 2006

S.O. 75.—In pursuance of Rule 10(4) of the Official Language (Use for official purposes of the Union) Rules, 1976 (as amended-1987), the Central Government hereby notifies the following Office under the administrative control of Ministry of Communications and Information Technology, Department of Telecommunications where more than 80% of staff have acquired working knowledge of Hindi.

General Manager (West-III) Mahanagar Telephone
Nigam Limited, Bombay-400067

[F.No. E-11016/1/2005-O.L.]

KIRTHY KUMAR, Dy. Director General
(Coordination & Administration)

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 22 दिसम्बर, 2006

का.आ. 76.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स गजानन टाइल्स मोल्ड इंडस्ट्रीज, 92/2/1, जी आई डी सी अम्बिका नगर गेट के सामने, ओढव, अहमदाबाद-382 415, गुजरात द्वारा विनिर्मित सामान्य यथार्थता (यथार्थता वर्ग-IV) वाले “जी टी एम आई” श्रृंखला के एनलाग सूचन सहित, अस्वचालित तोलन उपकरण (मैकेनिकल बैच वेहर) के मॉडल का, जिसके ब्रांड का नाम “वेबर” है (जिसे इसमें इससे पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/473 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल लिवर आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 5 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 1 कि. ग्रा. है। तोलन परिणाम स्टील यार्ड प्रकार के सूचक से उपदर्शित होते हैं।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 100 से 1000 तक की रेंज में सत्यापन मान सहित 5 कि. ग्रा. से अधिक और 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(146)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

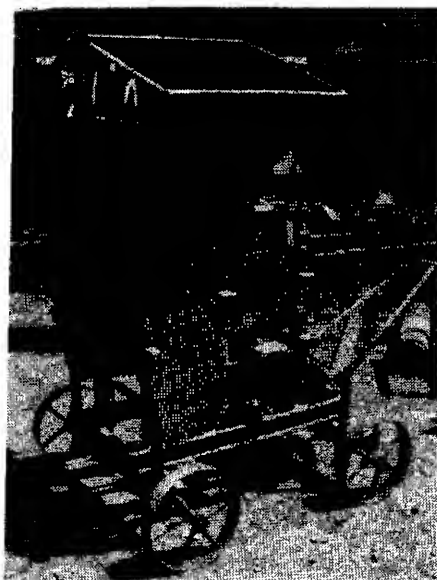
MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 22nd December, 2006

S.O. 76.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument with analogue indication (Mechanical Batch Weigher) of “GTMI” series of ordinary accuracy (Accuracy class IV) and with brand name “WEBER” (hereinafter referred to as the said Model), manufactured by M/s. Gajanan Tiles Mould Industries, 92/2/1, GIDC, opposite Ambica Nagar Gate, Odhav, Ahmedabad- 382 415, Gujarat and which is assigned the approval mark IND/09/06/473;



The said Model (see the figure given above) is a lever based non-automatic weighing instrument with a maximum capacity of 500 kg. and minimum capacity of 5kg. The verification scale interval (e) is 1 kg. The results of measurement are indicated by the steel yard type indicator.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 5 kg. to 1000 kg. and with number of verification scale interval (n) in the range of 100 to 1000 for ‘e’ value of 5g. or more and with ‘e’ value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved said Model has been manufactured.

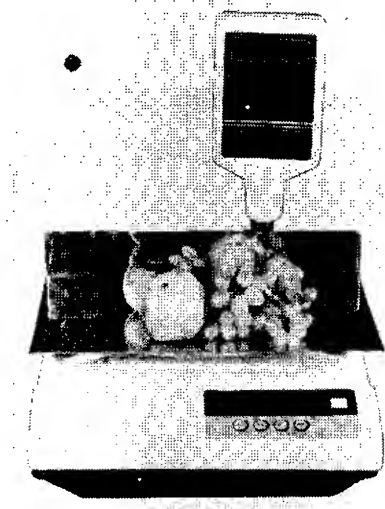
[F. No. WM-21(146)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 26 दिसम्बर, 2006

का.आ. 77 .—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सेफवे सिस्टम्स, 12, जय गुरुदेव नगर, अमराइवादी, बंडर पाईट के अपोजिट, अहमदाबाद-380 026, गुजरात द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “एस एस टी टी” श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “सेफवे” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/399 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक “ई” मान के लिये 100 से 5000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिये 5000 से 50000 तक की रेंज में मापमान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

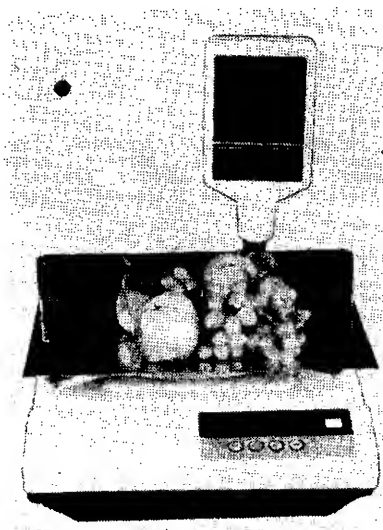
[फा. सं. डब्ल्यू एम-21(137)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th December, 2006

S.O. 77.—Whereas, the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Tabletop type) with digital indication of "SSTT" series of high accuracy (Accuracy class II) and with brand name "SAFEWAY" (hereinafter referred to as the said Model), manufactured by M/s. Safeway Systems, 12, Jay Gurudev Nagar, Amraiwadi, Opposite Wonder Point, Ahmedabad- 380 026, Gujarat and which is assigned the approval mark IND/09/06/399;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity up to 50kg and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg. to 50mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the said approved Model has been manufactured.

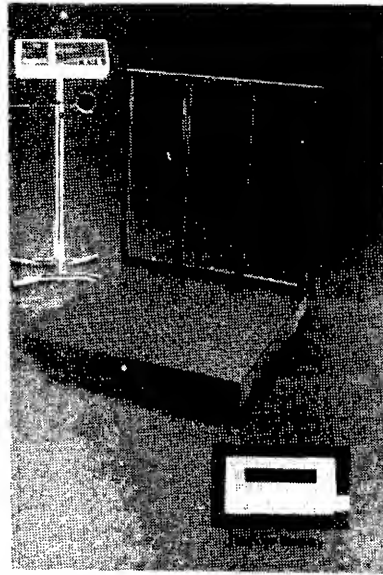
[F. No. WM-21(137)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 26 दिसम्बर, 2006

का.आ. 78.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सेफवे सिस्टम्स, 12 जय गुरुदेव नगर, अमराइवादी, वंडर पाईंट के अपोजिट, अहमदाबाद-380 026, गुजरात द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-III) वाले “एस एस पी एफ” श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेट फार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “सेफवे” है (जिसे इसमें इसका पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/400 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (प्लेट फार्म प्रकार) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित, आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्टज प्रत्यावर्ती धारा विधुत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्ध भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. से या उससे अधिक के “ई” मान के लिये 500 से 10,000 तक की रेंज में मापमान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

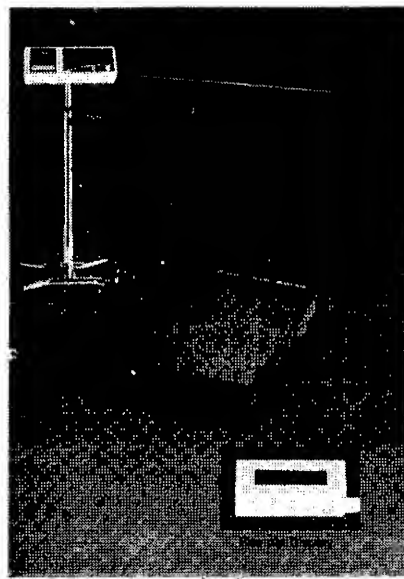
[फा. सं. डब्ल्यू एम-21(137)/2006]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th December, 2006

S.O. 78.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the non-automatic (Platform type) weighing instrument with digital indication of "SSPF" series of medium accuracy (Accuracy class III) and with brand name "SAFEWAY" (hereinafter referred to as the said Model), manufactured by M/s. Safeway Systems, 12, Jay Gurudev Nagar, Amraiwadi, Opposite Wonder Point, Ahmedabad- 380 026, Gujrat and which is assigned the approval mark IND/09/06/400;



The said Model is a strain gauge type load cell based weighing instrument with a maximum capacity of 1000kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale .

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of same series with maximum capacity above 50kg. and up to 5000kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design, and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(137)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 26 दिसम्बर, 2006

का.आ. 79.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स केलट्रोन स्केलक्स, 3, नरनारायन सेंटर, नियर सताधार एस्टेट, बापूनगर, निकोल ग्राम रोड, जगदीश एस्टेट, अहमदाबाद-50, द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “सी एल ओ-के” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (व्यक्ति तोलन मशीन-काइन ओपरेटेड) के मॉडल का, जिसके ब्रांड का नाम “केलट्रोन स्केलक्स” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/559 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 200 कि.ग्रा. और न्यूनतम क्षमता 4 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 200 ग्रा. है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विधुत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) में प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. से या उससे अधिक के “ई” मान के लिये 500 से 10,000 तक की रेंज में मापमान अंतराल (एन) सहित 100 कि. ग्रा. से 200 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(212)/2006]

आर. माथुरबुध्म, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th December, 2006

S.O. 79.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) (hereinafter referred to as the said Act) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument with digital indication (Person Weighing Machine-Coin Operated) of medium accuracy (Accuracy class III) belonging to 'CLO-K' series with brand name "CALTRON SCALEX" (herein after referred to as the said Model), manufactured by M/s. Caltron Scalex, 3, Namarayan Centre, Nr. Satadhar Estate, Bapunagar, Nikol Gam Road, Jagdish Estate, Ahmedabad-50 and which is assigned the approval mark IND/09/06/559;



The said model is a strain gauge type load cell based weighing instrument with a maximum capacity of 200kg. and minimum capacity of 4kg. The verification scale interval (e) is 200g. The display is of Light Emitting Diode (LED) type. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity in the range of 100kg. to 200kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

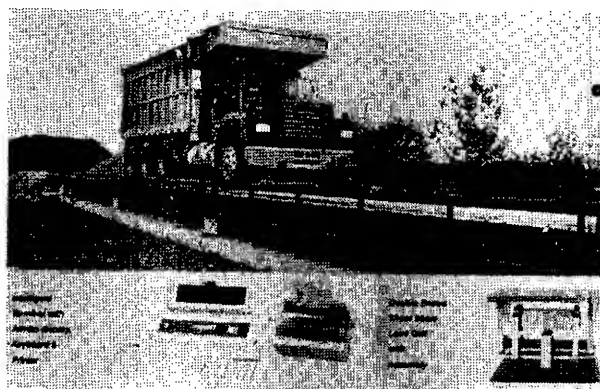
[F. No. WM-21(212)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 26 दिसम्बर, 2006

का.आ. 80 .—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स केलट्रोन स्केलक्स, 3, नरनारायन सेंटर, नियर सताधार एस्टेट, बापूनगर, निकोल ग्राम रोड, जगदीश एस्टेट, अहमदाबाद-50, द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “डब्ल्यू/बी-सी 30 टी 5” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम “केलट्रोन स्केलक्स” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/560 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) है। इसकी अधिकतम क्षमता 30 टन और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बेचने से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तन/परिवर्धन नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) में प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. से या उससे अधिक के “ई” मान के लिये 500 से 10,000 तक की रेंज में मापमान अंतराल (ई) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

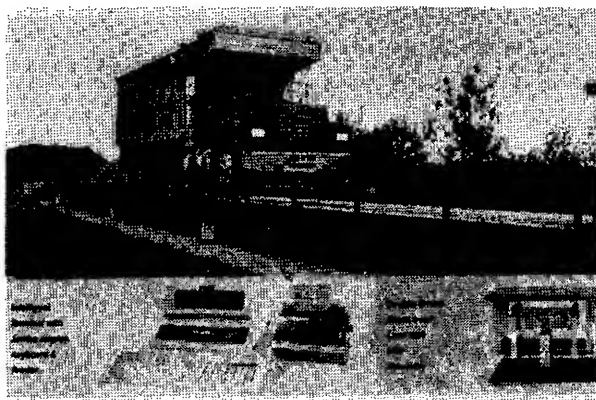
[फा. सं. डब्ल्यू एम-21(212)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 26th December, 2006

S.O. 80 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (weighbridge type) with digital indication of "W/B-C30T5" series belonging to medium accuracy (Accuracy class III) and with brand name "CALTRON SCALEX" (hereinafter referred to as the said Model), manufactured by M/s. Caltron Scalex, 3, Narnarayan Centre, Nr. Satadhar Estate, Bapunagar, Nikol Gam Road, Jagdish Estate, Ahmedabad-50 and which is assigned the approval mark IND/09/06/560;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 30 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , 'k' being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

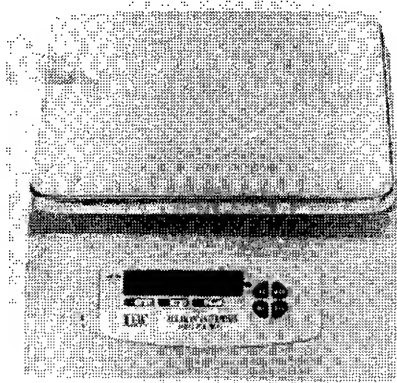
[F. No. WM-21(212)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 28 दिसम्बर, 2006

का.आ. 81 .—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स रुकमणि एन्टरप्राइजेज, ऐपेक्स अपार्टमेंट, फ्लैट नं. 203, हाऊ बैग वार्ड, नेपीयर टाऊन, जबलपुर, मध्य प्रदेश द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “आर एक्स ई-9001” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “डिलीजैन्ट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/412 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित (अस्वचालित टेबलटाप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को विक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक “ई” मान के लिये 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

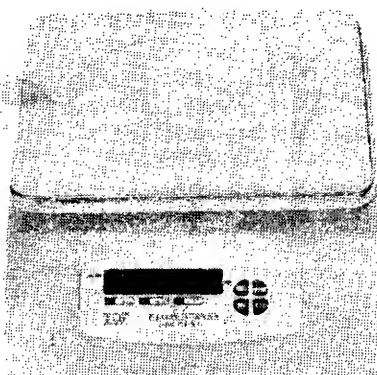
[फा. सं. डब्ल्यू एम-21(129)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th December, 2006

S.O. 81.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of High Accuracy (Accuracy Class II) of Series-RXE-9001 and with brand name "DILIGANT" (hereinafter referred to as the said Model), manufactured by M/s. Rukamani Enterprises, Apexa Apartment, Flat No. 203, How Bag Ward, Napier Town, Jabalpur, Madhya Pradesh, and which is assigned the approval mark IND/09/06/412;



The said Model is a strain gauge type loadcell based non-automatic weighing instrument (Table top type) working on the principle of load cell with digital indication of maximum capacity of 50 kg and minimum capacity of 100 g. The verification scale interval (e) is 2 g. It has a tare device with a 100 per cent subtractive tare effect. The Light Emitting Diode display indicates the weighing result. It is to be operated on 230 Volts and 50 Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing is done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, construction, design, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg. to 50 mg. and with number of verification scale interval (n) in the range of 500 to 50,000 for 'e' value of 100mg. or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , 'k' being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the approved Model has been manufactured.

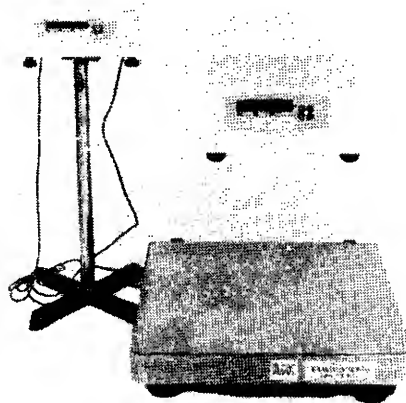
(F. No. WM-21(129)/2006)

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 28 दिसम्बर, 2006

का.आ. 82.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स रुकमणि एन्टरप्राइजेस, ऐपेक्स अपार्टमेंट, फ्लैट नं. 203, हाऊ बैंग वार्ड, नेपीयर टाऊन, जबलपुर, मध्य प्रदेश द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “आर एक्स ई-9002” श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “डिलीजेंट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/413 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल एक विकृत गेज प्रकार का अंकक सूचन सहित भार सेल आधारित (अस्वचालित प्लेटफार्म प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम प्रदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विधुत प्रदाय पर कार्य करता है।

यह मॉडल के मुद्रांकन के आंतरिक मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल के डिजाइन में पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्तित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यहां घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिये 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. से अधिक और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो भनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

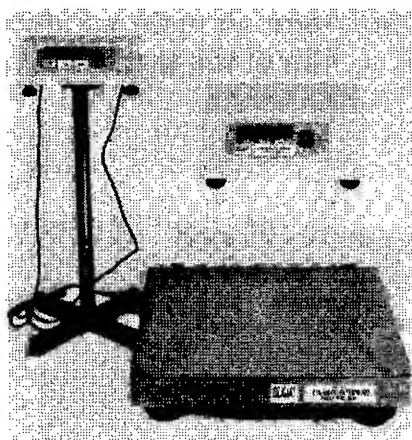
[फा. सं. डब्ल्यू एम-21(129)/2006]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th December, 2006

S.O. 82.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy Class III) of Series-RXE-79002 and with brand name "DILIGANT" (hereinafter referred to as the said Model), manufactured by M/s. Rukamani Enterprises, Apexa Apartment, Flat No. 203, How Bag Ward, Napier Town, Jabalpur, Madhya Pradesh, and which is assigned the approval mark IND/09/06/413;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) working on the principle of load cell with digital indication of maximum capacity of 1000 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing is done to prevent opening machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity above 50 kg and up to 5000 kg. and with number of verification scale interval (n) in the range of 500 to 10000 for 'e' value of to 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(129)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 28 दिसम्बर, 2006

का.आ. 83 .—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976 (1976 का 60) और बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एन्डल वे सिस्टम्स प्रा. लि., आनन्द चैम्बर्स, पुराने गुजरात उच्च न्यायालय रेलवे क्रॉसिंग के पास, अहमदाबाद-9, गुजरात द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-11) वाले “ई एन टी” शृंखला के अंकक सूचक सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “एन्डल” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/411 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृति गेज प्रकार का भार सैल आधारित उपकरण (टेबलटाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है। स्टाम्पिंग प्लेट को सील करने अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द भी किया जाएगा और मॉडल को इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यहां घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. के “ई” मान के लिये 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(141)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th December, 2006

S.O. 83.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of "ENT" series of high accuracy (Accuracy class II) and with brand name "ENDEL" (herein referred to as the said model), manufactured by M/s. Endel Weigh Systems Private Limited, Anand Chambers, Near Old Gujrat High Court Railway Crossing, Ahmedabad-9, Gujarat and which is assigned the approval mark IND/09/06/411;

The said Model (see the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 30 kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply. In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.



Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 50 kg, and with number of verification scale interval (n) in the range of 100 to 50000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50000 for 'e' value of 100mg or more and 'e' value of the form 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved Model has been manufactured.

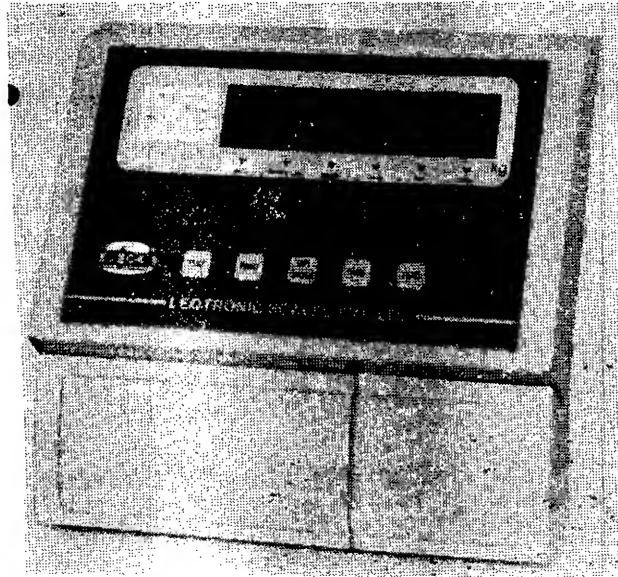
[F. No. WM-21(141)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 28 दिसम्बर, 2006

का.आ. 84.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स लियोट्रानिक्स स्केल्स प्राइवेट लि., खसरा नं. 248, किट्टा 1, गांव किरपालपुर, नालागढ़, हिमाचल प्रदेश द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एफ एस डी-501” श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिज प्रकार) के मॉडल का, जिसके ब्रांड का नाम “लिओ” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/563 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ;



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 50000 कि.ग्रा. है और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यहां घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 5000 कि. ग्रा. से अधिक और 150000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

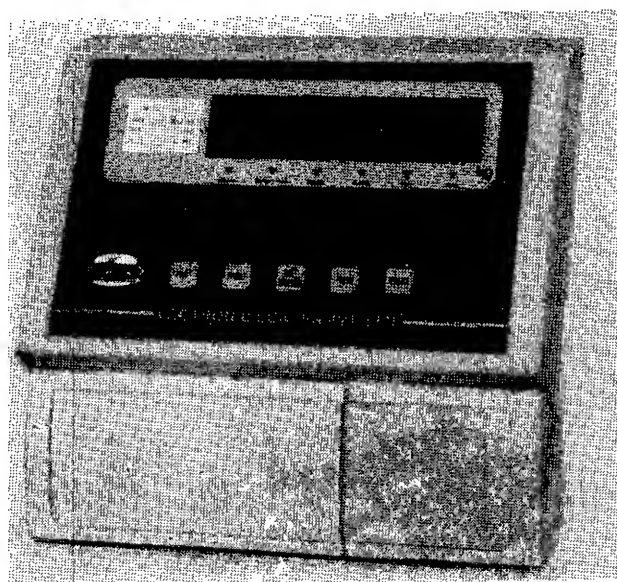
[फा. सं. डब्ल्यू एम-21(202)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th December, 2006

S.O. 84.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Weighbridge type) with digital indication of "FSD-501" series of medium accuracy (Accuracy class III) and with brand name "LEO" (herein referred to as the said model), manufactured by M/s. Leotronics Scales Pvt. Ltd., Khasra No. 248, Kitta 1, Village Kirpalpur, Nalagarh, Himachal Pradesh and which is assigned the approval mark IND/09/06/563;



The said Model is a strain gauge type load cell based weighing instrument with a maximum capacity of 50000 kg. and minimum capacity of 100kg. The verification scale interval (e) is 5 g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, and performance of same series with maximum capacity between 5000kg and up to 150000 kg and with number of verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5g or more and 'e' value of the form 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

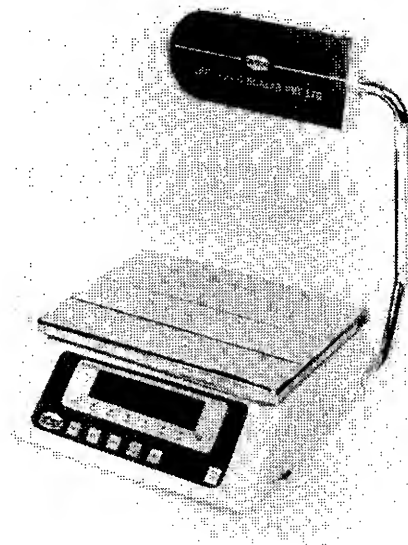
[F. No. WM-21(202)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 28 दिसम्बर, 2006

का.आ. 85 .—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स लियोट्रानिक्स स्केल्स प्राइवेट लि., खसरा नं. 248, किट्टा 1, गांव किरपालपुर, नालागढ़, हिमाचल प्रदेश द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “ई सी एस-201” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “लिओ” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/561 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जायेगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) में प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक “ई” मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-3} , 2×10^{-3} या 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(202)/2006]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th December, 2006

S.O. 85 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table Top type) with digital indication of "ECS-201" series of medium accuracy (Accuracy class III) and with brand name "LEO" (herein referred to as the said Model), manufactured by M/s. Leotronics Scales Pvt. Ltd., Khasra No. 248, Kitta 1, Village Kirpalpur, Nalagarh, Himachal Pradesh and which is assigned the approval mark IND/09/06/561;



The said model is a strain gauge type load cell based weighing instrument with a maximum capacity of 30 kg and minimum capacity of 100g. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity upto 50 kg and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value between 100 mg to 2 g and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and 'e' value of the form 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

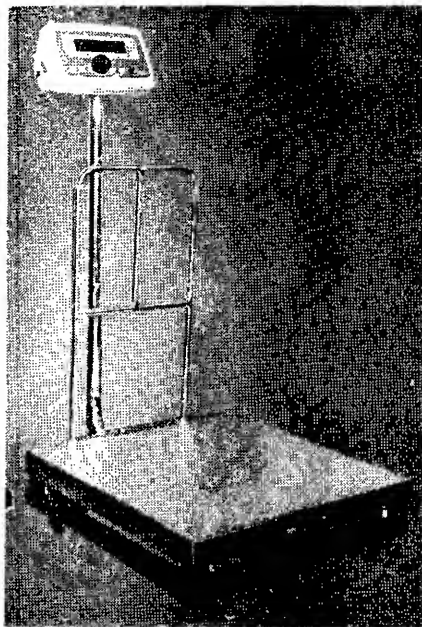
[F. No. WM-21(202)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 28 दिसम्बर, 2006

का.आ. 86 .—केंद्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केंद्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स लियोट्रानिक्स स्कैल्स प्राइवेट लि., खसरा नं. 248, किट्टा 1, गांव किरपालपुर, नालागढ़, हिमाचल प्रदेश द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "ई पी एस-301" शृंखला के अंकक मूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "लिओ" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/562 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 1,000 कि.ग्रा. है और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लंट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्ध भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और केंद्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. से अधिक और 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

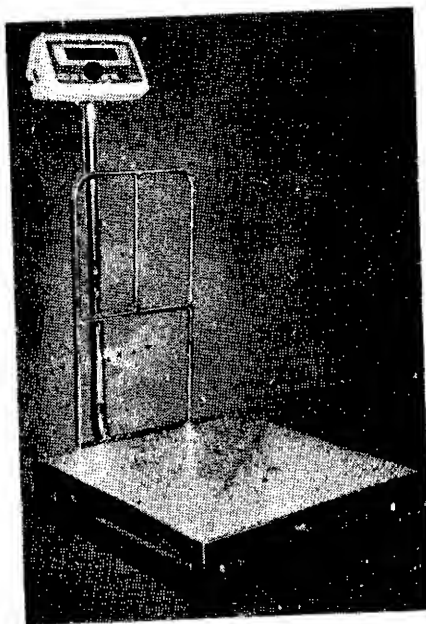
[फा. सं. डब्ल्यू एम-21(202)/2006]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th December, 2006

S.O. 86 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of “EPS-301” series of medium accuracy (Accuracy class III) and with brand name “LEO” (hereinafter referred to as the said model), manufactured by M/s. Leotronics Scales Pvt. Ltd., Khasra No. 248, Kitta 1, Village Kirpalpur, Nalagarh, Himachal Pradesh and which is assigned the approval mark IND/09/06/562;



The said model is a strain gauge type load cell based weighing instrument with a maximum capacity of 1000 kg and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity between 50 kg and upto 5,000 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for ‘e’ value of 5g or more and ‘e’ value of the form 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the said approved Model has been manufactured.

[F No. WM-21(202)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 28 दिसम्बर, 2006

का.आ. 87.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स श्री एन्टरप्राइज, संख्या 10, मोती चैम्बर्स, कृष्णा विद्यालय के समीप, मनाहर नगर, पार्ट 2, बापुनगर, अहमदाबाद, गुजरात द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले “बी टी-5500” शृंखला के अंकक सूचक सहित अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “बेस्ट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/555 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सैल आधारित तोलन (टेबल टॉप प्रकार) उपकरण है। इसकी अधिकतम क्षमता 5500 ग्राम और न्यूनतम क्षमता 25 ग्राम है। सत्यापन मापमान अंतराल 500 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टॉम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. के “ई” मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्राम या उससे अधिक के “ई” मान के लिए 5000 से 50000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-3} , 2×10^{-3} या 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(79)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th December, 2006

S.O. 87.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy class II) of series-“BT-5500” and with brand name “BEST” (hereinafter referred to as the said model), manufactured by M/s. Shree Enterprise, No. 10, Moti Chambers, Near Krishna Vidyalaya, Manahar Nagar, Part-2, Bapunagar, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/06/555;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 5500g and minimum capacity of 25 kg. The verification scale interval (e) is 500mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc., before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 500 to 50,000 for 'e' value of 100mg or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , where k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(79)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 28 दिसम्बर, 2006

का.आ. 88.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स श्री एन्टरप्राइज, संख्या 10, मोती चैम्बर्स, कृष्णा विद्यालय के समीप, मनाहर नगर, पार्ट 2, बापूनगर, अहमदाबाद, गुजरात द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “बी टी-30के” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “बेस्ट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/556 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित तोलन (टेबलटॉप प्रकार) उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जायेगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक “ई” मान के लिए 100 से 10000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिये 500 से 10000 तक की रेंज में मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(79)/2006]

आर. माधुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th December, 2006

S.O. 88.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of medium accuracy (Accuracy class-III) of series-“BT-30K” and with brand name “BEST” (hereinafter referred to as the said model), manufactured by M/s. Shree Enterprise, No. 10, Moti Chambers, Near Krishna Vidyalaya, Manahar Nagar, Part-2, Bapunagar, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/06/556;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc., before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

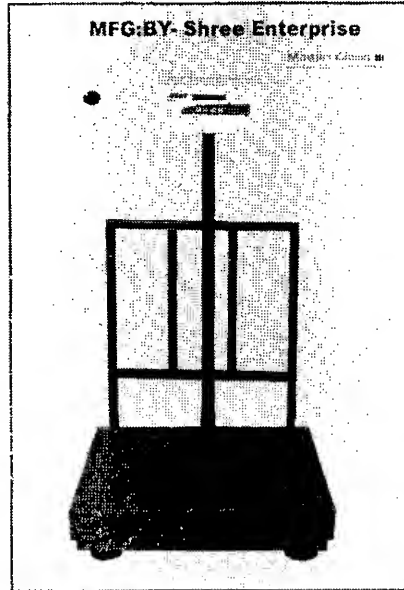
[F. No. WM-21(79)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 28 दिसम्बर, 2006

का.आ. 89.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स श्री एन्टरप्राइज, संख्या 10, मोती चैम्बर्स, कृष्णा विद्यालय के समीप, मनाहर नगर, पार्ट 2, बापुनगर, अहमदाबाद, गुजरात द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले “बी पी एफ-1000 किलोग्राम” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “बेस्ट” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/557 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक विकृत गेज प्रकार का भार सैल आधारित तोलन (प्लेटफार्म प्रकार) उपकरण है। इसकी अधिकतम क्षमता 1000 किलोग्राम और न्यूनतम क्षमता 2 किलोग्राम है। सत्यापन मापमान अन्तराल 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टैम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा और उक्त मॉडल को इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम से अधिक और 50,000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

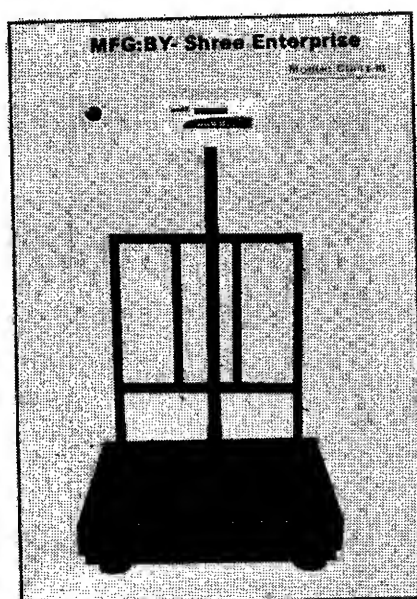
[फा. सं. डब्ल्यू एम-21(79)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th December, 2006

S.O. 89.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy class-III) of series-“BPF-1000” and with brand name “BEST” (hereinafter referred to as the said model), manufactured by M/s. Shree Enterprise, No. 10, Moti Chambers, Near Krishna Vidyalaya, Manahar Nagar, Part-2, Bapunagar, Ahmedabad, Gujarat and which is assigned the approval mark IND/09/06/557;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg and minimum capacity of 2kg. The verification scale interval (c) is 100g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 5000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , where 'k' is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

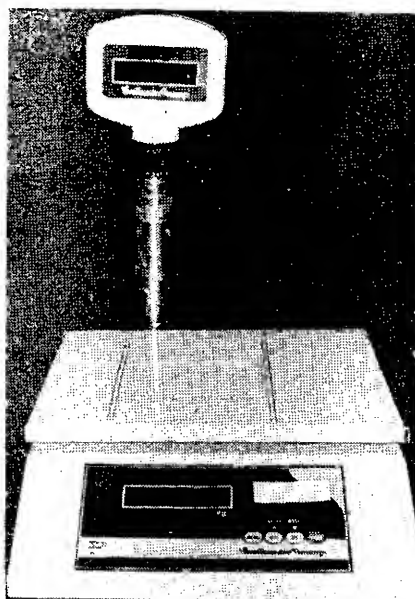
[F. No. WM-21(79)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 28 दिसम्बर, 2006

का.आ. 90.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबन्धों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मेसर्स एसआरआई-एल ऑटोमेशन, नं. 9, फर्स्ट फ्लोर रोड, विराजन्त्या मन्दिर के पास, संजीवनी नगर, पिन्या सेकण्ड स्टेज, हेगनाहल्ली, बंगलौर-560058 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले “एसएलए-जेटी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “एसआरआई-एल” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिमें अनुमोदन चिह्न आई एन डी 09/06/564 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है ;



उक्त मॉडल एक विकृति गेज प्रकार का भार सैल आधारित तोलन (टेबलटॉप प्रकार) उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। इसका सत्यापन मापमान अन्तराल 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।

स्ट्राम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा और मॉडल को विक्री के पूर्व या उपरान्त इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मॉक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. के ‘ई’ मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के ‘ई’ मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और ‘ई’ मान 1×10^0 , 2×10^1 या 5×10^2 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

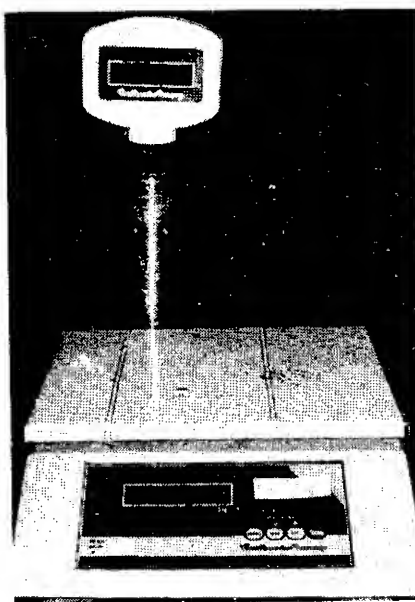
[फा. सं. डब्ल्यू एम-21(163)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th December, 2006

S.O. 90 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table Top type) with digital indication of "SLA-JT" series of high accuracy (Accuracy Class-II) and with brand name "SRI-L" (hereinafter referred to as the said Model), manufactured by M/s. SRI-L Automation, No. 9, 1st Main Road, Near Veeranjanaya Temple, Sanjivini Nagar, Peenya 2nd Stage, Hegganahalli, Bangalore-560 058, Karnataka and which is assigned the approval mark IND/09/06/564;



The said Model is a strain gauge type load cell based weighing instrument with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of the Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity upto 50 kg. and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5000 to 50000 for 'e' value of 100mg. or more and 'e' value of the form 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(163)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

(भारतीय मानक ब्यूरो)

नई दिल्ली, 26 दिसम्बर, 2006

का.आ. 91.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिये गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 7048 : 2006/आई एस ओ 5778 : 1998 पोत एवं समुद्री प्रौद्योगिकी-छोटे मौसमरोधी इस्पात हैच (दूसरा पुनरीक्षण)	आई एस 7048 : 1991	31 अगस्त, 2006

इन भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. टी ई डी/जी-16]

राकेश कुमार, वैज्ञानिक एफ एवं प्रमुख (टी ई डी)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 26th December 2006

S. O. 91.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. Year and title of the Indian Standards Established	No. and Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 7048:2006/ISO 5778:1998 Ships and marine technology—Small weathertight steel hatches (Second revision)	IS 7048:1991	31 Aug., 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhawan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and its Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai, and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[No. TED/G-16]

RAKESH KUMAR, Scientist F & Head (Transport Engg.)

नई दिल्ली, 28 दिसम्बर, 2006

का.आ. 92.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिये गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 13450 : (भाग 1/अनुभाग 1)/ आई ई सी 60601-1-1 (2000) चिकित्सीय विद्युत उपस्कर भाग 1 सामान्य सुरक्षा अपेक्षाएं अनुभाग 1 सामान्य मानक-चिकित्सीय विद्युत प्रणाली के लिए सुरक्षा जरूरतें	—	नवम्बर 2006
2.	आई एस 13450 : (भाग 2/अनुभाग 32)/ आई ई सी 60601-2-32 (1994) चिकित्सीय विद्युत उपस्कर भाग 2 सुरक्षा के लिए विशिष्ट अपेक्षाएं अनुभाग 32 क्ष-किरण उपस्कर के साथ लगने वाले सहचारी उपस्कर	—	नवम्बर 2006
3.	आई एस 15732 : (भाग 1) : 2006/ आई एस ओ 8600-1 : 2005 प्रकाशिकी एवं फोटोनिकी— चिकित्सा अन्तरीक्षण यन्त्र और अंतः चिकित्सा युक्तियाँ भाग 1 अपेक्षाएँ	—	नवम्बर 2006

इन भारतीय मानकों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एमएचडी/जी-3.5]

राकेश चन्द्र, वैज्ञानिक एफ एवं प्रमुख (एमएचडी)

New Delhi, the 28th December 2006

S. O. 92.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards Established	No. and Year of Indian Standards. if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 13450: (Part I/Section 1) : 2006/ IEC 60601-1-1-(2000) Medical Electrical Equipment Part 1 General requirements for Safety Section 1 Collateral Standard- Safety Requirements for Medical Electrical System	—	November 2006

(1)	(2)	(3)	(4)
2.	IS 13450 (Part 2/Section 32) : 2006/ IEC 60601-2-32 (1994) Medical Electrical Equipment Part 2 Particular requirements for the safety Section 32 Associated Equipment of X-ray Equipment	—	November 2006
3.	IS 15732 (Part 1) : 2006/ ISO 86001-1 : 2005 Optics and photonics-Medical endoscopes and endotherapy devices—Part 1 : General requirements	—	November 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhawan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai, and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[No. MHD/G-3.5]

RAKESH CHANDER, Scientist F & Head (MHD)

नई दिल्ली, 2 जनवरी, 2007

का.आ. 93.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गए मानक(कों) में संशोधन किया गया/किये गये हैं :—

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या, शीर्षक और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	IS 11639 (भाग 3) : 1996 पातनल की संरचनात्मक डिजाइन की कसौटी भाग 3 पातनल के लिए विशेष	संशोधन संख्या-3 दिसम्बर 2006	31-12-06

इन संशोधित की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[सं. डब्लू आर डी 14/टी-33]

ए. एम. डेविड, वै.-ई एवं निदेशक(जल संसाधन विभाग)

New Delhi, the 2nd January, 2007

S. O. 93.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No., Title and Year of the Indian Standards	No. and Year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 11639/(Part 3) : 1996 Structural Design of Penstock—Criteria Part 3 Specials for Penstocks	Amendment No. 3 December 2006	31-12-2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[No. WRD14/T-33]

A. M. DAVID, Sc. 'E' & Director (Water Resources Deptt.)

नई दिल्ली, 2 जनवरी, 2007

का.आ. 94.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिये गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15681 : 2006 भू भूवैज्ञानिक अन्वेषण (भूकम्पीय कंपन) — रीति संहिता	—	30-11-2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[सं. डब्लू आर डी 5/टी-25]

ए. एम. डेविड, वै. 'ई' एवं निदेशक (जल संसाधन विभाग)

New Delhi, the 2nd January, 2007

S. O. 94.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the schedule hereto annexed have been established on the date indicated against each:

SCHEDULE

Sl. No.	No. Title and Year of the Indian Standards Established	No. & Year of the Indian Standards, if any, superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 15681 : 2006 Geological Exploration by Geophysical Method (Seismic Refraction) — Code of Practice	—	30-11-2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhawan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai, and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[No. WRD 5/T-25]

A. M. DAVID, Sc. 'E' & Director (Water Resources Deptt.)

नई दिल्ली, 3 जनवरी, 2007

का.आ. 95.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वे स्थापित हो गया है :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	15707 : 2007 ए सी बिजली के मीटरों का परीक्षण, मूल्यांकन, संस्थापन और रखरखाव—रीति संहिता	—	30 नवम्बर, 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[सं. ई टी 13/टी 45]

पी. कं. मुखर्जी, वैज्ञानिक 'एफ' एवं प्रमुख (विद्युत्-तकनीकी)

New Delhi, the 3rd January, 2007

S. O. 95.—In pursuance of clause (b) of sub-rule of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & Year of the Indian Standards, if any, superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 15707 : 2006 Testing, Evaluation, Installation and Maintenance of AC Electricity Meters— Code of Practice	—	30 November, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhawan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai, and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[No. ET 13/T-45]

P. K. MUKHERJEE, Scientist 'F' & Head (Electro-technical)

नई दिल्ली, 3 जनवरी, 2007

का.आ. 96.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गए मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 10322 (भाग 5/खंड 3) : 1987	3 दिसम्बर, 2006	31 दिसम्बर, 2007

इस भारतीय संशोधन की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[सं. ई टी 23/टी-76]

पी. कं. मुखर्जी, वैज्ञानिक 'एफ' एवं प्रमुख (विद्युत्-तकनीकी)

New Delhi, the 3rd January, 2007

S. O. 96.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standard Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standard, particulars of which are given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & Year of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 10322 : (Part 5/Sec 3) : 1987 Specification for Luminaires : Part 5 Particular Requirements, Section 3 Luminaires for Road and Street Lighting.	3 December, 2006	31 December, 2006

Copies of this Amendment are available with the Bureau of Indian Standards, Manak Bhawan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : Kolkata, Chandigarh, Chennai, Mumbai, and also Branch Offices Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[No. ET 23/T-21]

P. K. MUKHERJEE, Scientist 'F' & Head (Electro-technical)

नई दिल्ली, 4 जनवरी, 2007

का.आ. 97.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिये गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15705 : 2006/आईएसओ 23429 : 2004 षटकोणीय सॉकेट का मापन	—	अक्टूबर 2006
2.	आई एस 5099 : 2003 की संशोधन संख्या 1 पठित बरमों की तकनीकी पूर्ति शर्तें (दूसरा पुनरीक्षण)	—	दिसंबर 2006
3.	आई एस 5705 : 1988 की संशोधन संख्या 2 काउंटरबोर और काउंटरसिक 90° के साथ प्रयुक्त वियोज्य पॉयलट की विशिष्टि (पहला पुनरीक्षण)	—	दिसंबर 2006

इन भारतीय मानकों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[सं. पीजीडी/जी-3.5]

पी. सी. जोशी, वैज्ञानिक 'ई' एवं प्रमुख (पीजीडी)

New Delhi, the 4th January, 2007

S.O. 97.—In pursuance of clause (b) of Sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule here to annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No & Year of the Indian Standards Established	No & Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 15705 : 2006/ISO 23429 : 2004 Gauging of Hexagon sockets		October, 2006
2.	Amendment No. 1 to IS 5099 : 2003 Technical supply conditions for twist drills (<i>Second Revision</i>)		December, 2006
3.	Amendment No. 2 to IS 5705 : 1988 Specification for detachable pilots for use with counterbores and countersink 90° (<i>First Revision</i>)		December, 2006

Copy of these Standards is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. PGD/G-3.5]

P.C. JOSHI, Scientist 'E' & Head (PGD)

नई दिल्ली, 4 जनवरी, 2007

का.आ. 98.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आई एस 8052 : 2006—सामान्य इंजीनियरी अनुप्रयोगों के लिए स्प्रिंगों, रिबेट एवं पेचों के उत्पादन हेतु इस्पात के इंगट, बिलेट एवं ब्लूम—विशिष्ट (दूसरा पुनरीक्षण)	आई एस 8052 : 1990	30-11-2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एमटीडी 4/टी-211]

डा. (श्रीमती) स्नेह भाटला, वैज्ञानिक एफ एवं प्रमख (एमटीडी)

New Delhi, the 4th January, 2007

S.O. 98.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No & Year of the Indian Standards Established	No & Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
1.	IS 8052 : 2006 Steel ingots, billets and blooms for the production of springs, rivets and screws for general engineering applications—Specification (<i>Second revision</i>)	IS 8052 : 1990	30-11-2006

Copy of this Standards is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. MTD 4/T-211]

DR. (MRS.) SNEH BHATLA, Scientist 'F' & Head (Met. Engg.)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 8 जनवरी, 2007

का.आ. 99.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि महाराष्ट्र राज्य में दहीवली से पुणे पाइपलाइन द्वारा प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उप-धारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, श्री के. एन. कशिवले, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, गेल आशियाना भवन, सेक्टर 8बी, 3डी2, सी.बी.डी., बेलापुर, नवी मुम्बई-400 614 (महाराष्ट्र) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हैक्टेयर में)
1	2	3	4	5
रायगड	खालापुर	कारगाव	218	00-02-37
			48/1	00-24-76
			48/2	
			47	00-16-24
			रोड	00-01-71
			नाला	00-05-69
			218	01-19-34
			39/1, 2, 3	00-79-24
			34/1 से 4	00-00-36
			31	00-00-05
रायगड	खालापुर	चावनी	नाला	00-00-78
			नाला	00-02-99
			160/1 से 4	01-97-73
			159	00-03-67
			158	00-02-00
			157	00-07-93
			154	00-06-72

1	2	3	4	5
			265	00-01-28
			जंगल	01-14-66
		144/1से 9		00-25-07
		207		00-01-07
		220/1से 5		00-18-10
		256		00-01-90
		215/1से 4		00-45-57
		217/1ए, 1ए, 1बी		00-19-07
		218/1, 2		00-51-01
		222		00-18-09
		221		00-12-70
		223/1से 13		00-91-81
		224		00-13-74
		228		00-19-53
		225		00-08-08
		226		00-65-69
		227/1, 2ए, 2ए, 2बी		00-00-88
		नाला		00-03-53
		1/1ए, 1सी, 1डी, 2		00-29-72
		3/1ओ 8, 9ए, 9बी		00-14-03
		8/1, 2		00-34-62
		11/1से 5		00-28-89
		जंगल		00-28-45
		18		00-00-71
		19/1से 6		00-27-18
		26/1से 5		00-42-72
		20		00-05-56
		नाला		00-09-41
		213		01-34-08
		76		00-04-98
		74		00-00-39
		73		00-00-48
		72/1से 7, 8ए, 8बी, 9		00-34-69

[फा. सं. एल-14014/12/06 जी.पी. (भाग-VI)]

एस. बी. मण्डल, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 8th January, 2007

S.O. 99.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through Dahiwali to Pune pipeline in the State of Maharashtra, a pipeline should be laid by the GAIL (India) Limited.

And, whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under

which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification:

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under Sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public object in writing to the laying of the pipeline under the land to the Shri K. N. Kashivale, Competent Authority, GAIL (India) Limited, GAIL Ashiyana Building, Sector 8B, 3D2, C.B.D., Belapur, Navi Mumbai-400 614 (Maharashtra).

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (in Hectares)
1	2	3	4	5
Raigad	Khalapur	Kargaon	218	00-02-37
			48/1	00-24-76
			48/2	
			47	00-16-24
			Road	00-01-71
			Nala	00-05-69
			218	01-19-34
			39/1,2,3	00-79-24
			34/1 to 4	00-00-36
			31	00-00-05
			Nala	00-00-78
			Nala	00-02-99
			160/1 to 4	01-97-73
			159	00-03-67
Raigad	Khalapur	Chavni	158	00-02-00
			157	00-07-93
			154	00-06-72
			265	00-01-28
			Forest	01-14-66
			144/1 to 9	00-25-07
			207	00-01-07
			220/1 to 5	00-18-10
			256	00-01-90
			215/1 to 4	00-45-57
			217/1A1, 1A2, 1B	00-19-07
			218/1, 2	00-51-01
			222	00-18-09
			221	00-12-70

1	2	3	4	5	(महाराष्ट्र) को लिखित रूप में आक्षेप भेज सकेगा।				
Raigad	Khalapur	Chavni	223/1 to 13	00-91-81	अनुसूची				
			224	00-13-74	जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अजित करने के लिए क्षेत्रफल (हैक्टेयर में)
			228	00-19-53					
			225	00-08-08					
			226	00-65-69					
		227/1, 2A1, 2A2, 2B		00-00-88					
		Nala		00-03-53					
		1/1A, 1C, 1D, 2		00-29-72					
		3/1 O 8, 9A, 9B		00-14-03					
		8/1, 2		00-34-62					
		11/1 to 5		00-28-89					
		Forest		00-28-45					
		18		00-00-71					
		19/1 to 6		00-27-18					
		26/1 to 5		00-42-72					
		20		00-05-56					
		Nala		00-09-41					
		213		01-34-08					
		76		00-04-98					
		74		00-00-39					
		73		00-00-48					
		72/1 to 7, 8A, 8B, 9		00-34-69					
[F. No. L-14014/12/2006-G.P.-Part VI]					1	2	3	4	5
S. B. MANDAL, Under Secy.					पुणे	मावल	कुखंदे	253	01-85-58
नई दिल्ली, 8 जनवरी, 2007								249	00-24-81
का.आ. 100.—केन्द्रीय सरकार को लोकहित में यह आवश्यक								250	00-49-84
प्रतीत होता है कि महाराष्ट्र राज्य में दहीवली से पुणे पाइपलाईन द्वारा								252	00-00-73
प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा,								251	00-08-94
एक पाइपलाईन बिछाई जानी चाहिए;								260	00-11-30
और केन्द्रीय सरकार को उक्त पाइपलाईन बिछाने के प्रयोजन								254	00-37-20
के लिए यह आवश्यक प्रतीत होता है कि, उस भूमि में, जिसमें उक्त								255	00-27-62
पाइपलाईन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से								261	00-38-37
संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया								262	02-02-71
जाए;								311	00-63-02
अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाईन								310	00-04-84
(भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962								1	00-07-61
का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग								2	00-10-79
करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के								3	00-04-72
अपने आशय की घोषणा करती है।								4	00-09-66
कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है,								187	00-54-18
उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1)								9	00-15-94
के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की								10	00-27-97
प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के								11	00-14-90
भीतर, भूमि के नीचे पाइपलाईन बिछाए जाने के संबंध में, श्री के. एन.								14	00-17-75
कशिवले, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, गेल आशियाना								15	00-16-73
भवन, सेक्टर 8वीं, 3डो2, सी.बी.डी., बेलापुर, नवी मुम्बई-400 614								185	00-02-40
								16	00-06-48
								17	00-10-44
								19	00-12-42
								17	00-11-49
								19	00-14-09
								जंगल	04-85-11
								175	00-05-79
								162	00-06-39
								नदी	00-03-67
								भुशी	06-41-01
								57	00-65-08
								55	00-18-98
								32	00-24-97
								31	00-19-07
								30	00-50-68
								56	00-35-66

1	2	3	4	5	1	2	3	4	5
पुणे	मावल	मलवली	31	00-11-05	पुणे	मावल	मलवली	195	00-20-68
			32	00-10-99				193	00-18-35
			33	00-42-34				192	00-07-44
			41/1,2	00-29-09				191	00-21-08
			53	00-01-94				190	00-14-64
			142	00-00-64				189	00-11-26
			42	00-04-77		हवेली	तलवडे	463	00-01-30
			नदी	00-06-68				464	00-07-85
		कारले	नदी	00-07-20				465	00-06-36
			70	00-23-48				466	00-05-90
			रोड	00-05-28				467	00-07-79
			69	00-23-09				448	00-11-57
			68	00-22-54				257	00-00-01
			55	00-55-61				रोड	00-03-35
			54	00-19-69				81	00-16-72
			53	00-33-12				80	00-11-02
			52	00-15-57				79	00-10-35
			39	00-21-93				78	00-10-78
			41	00-51-28				77	00-06-73
			नदी	01-80-40				76	00-02-67
		बोर्जे	नदी	00-08-55				75	00-02-59
			102	00-14-04				74	00-02-50
			112	00-38-38				73	00-21-42
			100	00-05-45				72	00-06-92
			111	00-19-19				71	00-07-38
			110	00-14-74				63	00-17-40
			109	00-19-62				65	00-06-40
			108	00-12-31				66	00-04-47
			133	00-19-46				67	00-04-52
			132	00-13-94			चिखली	1537	00-05-95
			123	00-47-44				1532	00-06-06
			131	00-00-24				1539	00-05-88
			124	00-03-19				1540	00-08-24
			144	00-06-68				1541	00-04-74
			147	00-06-34				1551	00-05-97
			148	00-07-53				1550	00-11-51
			149	00-03-11				1548	00-02-45
			151	00-09-36				1549	00-14-25
			162	00-00-05				1336	00-11-01
			161	00-00-24				1335	00-03-33
			160	00-00-50				1326/3	00-15-19
			158	00-11-53				1325	00-32-31
			159	00-01-15				1569	00-31-55
			199	00-25-31				1605	00-21-86
			198	00-02-70				1606	00-04-25
			197	00-02-41				1607	00-03-94
			196	00-02-89				1608	00-04-05

1	2	3	4	5	1	2	3	4	5
पुणे	हवेली,	चिखली	1609	00-10-28	पुणे	हवेली	चिखली	670/2	00-07-19
			1623	00-02-03				673	00-10-05
			रोड	00-08-86				672	00-08-23
			1210	00-00-01				671	00-06-63
			1209	00-03-63				670	00-08-00
			1208	00-04-63				669	00-06-74
			1207	00-05-15				645	00-00-02
			1206	00-01-88				649	00-12-21
			1205	00-06-32				647	00-00-02
			1204	00-08-41				648	00-14-40
			1203	00-07-66				652	00-10-62
			1198	00-02-20				653	00-00-81
			1202	00-07-74				654	00-00-05
			1197	00-02-35				659	00-22-95
			1296	00-04-24				660	00-05-21
			1195	00-13-16				606	00-34-17
			1193	00-28-96				रोड	00-06-17
			1192	00-13-29				395	00-00-79
			1191	00-05-46				539	00-04-61
			1190	00-01-63			बोर्डेवाडी	79	00-64-48
			1189	00-03-58				81	00-11-50
			1187	00-26-63				80	00-01-04
			1176	00-02-57				74	00-00-41
			1177	00-01-94				73	00-00-34
			1178	00-00-23				75	00-14-93
			रोड	00-05-99				72	00-11-25
			891	00-27-17				71	00-17-68
			892	00-01-00				62	00-06-27
			रोड	00-06-78				61	00-11-98
			899	00-14-02				60	00-01-85
			895	00-11-48				59	00-01-29
			898	00-08-10				58	00-02-14
			897	00-05-29				57	00-00-11
			896	00-12-71				46	00-21-44
			878	00-23-23				40	00-00-03
			873	00-02-53				41	00-00-13
			872	00-08-55			राजगुरुनगर सांगुडी	197	00-41-24
			871	00-05-68				196	00-12-56
			716	00-25-57				195	00-00-49
			719	00-06-34				194	00-00-10
			710	00-09-76				191	00-28-27
			709	00-03-44				190	00-10-52
			707	00-04-43				127	00-26-28
			704	00-08-27				128	00-29-82
			705	00-11-77				129	00-95-66
			रोड	00-07-94				133	00-07-28
			678	00-00-46				134	00-06-76

1	2	3	4	5
पुणे	राजगुरुनगर	सांगुडी	135	00-11-89
			136	00-13-13
			143	00-12-36
			146	00-11-14
			147	00-10-13
			148	00-13-69
			149	00-11-09
			100	00-12-15
			150	00-05-69
		रोड		00-05-51
			29	00-12-92
			17	00-26-75
			30	00-09-71
			54	00-02-35
			53	00-10-71
			51	00-04-33
			50	00-15-30
			42	00-04-83
			41	00-01-83
			40	00-02-44
			39	00-03-40
			38	00-06-21
			32	00-05-20
		रोड		00-11-03

[फा. सं. एल-14014/12/06 जी.पी. (भाग-VI)]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 8th January, 2007

S.O. 100.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through Dahiwali to Pune pipeline in the State of Maharashtra, a pipeline should be laid by the GAIL (India) Limited.

And, whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification issued under Sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public object in writing to the laying of the pipeline under the land to Shri K. N. Kashivale, Competent Authority, GAIL (India) Limited, GAIL Ashiyana Building, Sector 8B, 3D2, C.B.D.,

Belapur, Navi Mumbai-400 614 (Maharashtra).

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (in Hectare)
1	2	3	4	5
Pune	Maval	Kurwande	253	01-85-58
			249	00-24-81
			250	00-49-84
			252	00-00-73
			251	00-08-94
			260	00-11-30
			254	00-37-20
			255	00-27-62
			261	00-38-37
			262	02-02-71
			311	00-63-02
			310	00-04-84
			1	00-07-61
			2	00-10-79
			3	00-04-72
			4	00-09-66
			187	00-54-18
			9	00-15-94
			10	00-27-97
			11	00-14-90
			14	00-17-75
			15	00-16-73
			185	00-02-40
			16	00-06-48
			17	00-10-44
			19	00-12-42
			17	00-11-49
			19	00-14-09
			Forest	04-85-11
			175	00-05-79
			162	00-06-39
			River	00-03-67
		Bhushi	Pond	06-41-01
			57	00-65-08
			55	00-18-98
			32	00-24-97
			31	00-19-07
			30	00-50-68
			56	00-35-66

1	2	3	4	5	1	2	3	4	5
Pune	Maval	Malavali	31	00-11-05	Pune	Maval	Boraje	193	00-18-35
			32	00-10-99				192	00-07-44
			33	00-42-34				191	00-21-08
			41/1,2	00-29-09				190	00-14-64
			53	00-01-94				189	00-11-26
			142	00-00-64		Haveli	Talvade	463	00-01-30
			42	00-04-77				464	00-07-85
			River	00-06-68				465	00-06-36
		Karle	River	00-07-20				466	00-05-90
			70	00-23-48				467	00-07-79
			Road	00-05-28				448	00-11-57
			69	00-23-09				257	00-00-01
			68	00-22-54				Road	00-03-35
			55	00-55-61				81	00-16-72
			54	00-19-69				80	00-11-02
			53	00-33-12				79	00-10-35
			52	00-15-57				78	00-10-78
			39	00-21-93				77	00-06-73
			41	00-31-28				76	00-02-67
			River	01-80-40				75	00-02-59
		Boraje	River	00-08-55				74	00-02-50
			102	00-14-04				73	00-21-42
			112	00-38-38				72	00-06-92
			100	00-05-45				71	00-07-38
			111	00-19-19				63	00-17-40
			110	00-14-74				65	00-06-40
			109	00-19-62				66	00-04-47
			108	00-12-31				67	00-04-52
			133	00-19-46			Chikhali	1537	00-05-95
			132	00-13-94				1532	00-06-06
			123	00-47-44				1539	00-05-88
			131	00-00-24				1540	00-08-24
			124	00-03-19				1541	00-04-74
			144	00-06-68				1551	00-05-97
			147	00-06-34				1550	00-11-51
			148	00-07-53				1548	00-02-45
			149	00-03-11				1549	00-14-25
			151	00-09-36				1336	00-11-01
			162	00-00-05				1335	00-03-33
			161	00-00-24				1326/3	00-15-19
			160	00-00-50				1325	00-32-31
			158	00-11-53				1569	00-31-55
			159	00-01-15				1605	00-21-86
			199	00-25-31				1606	00-04-25
			198	00-02-70				1607	00-03-94
			197	00-02-41				1608	00-04-05
			196	00-02-89				1609	00-10-28
			195	00-20-68				1623	00-02-03

1	2	3	4	5	1	2	3	4	5
Pune	Haveli	Chikhali	Road	00-08-86	Pune	Haveli	Chikhali	671	00-06-63
			1210	00-00-01				670	00-08-00
			1209	00-03-63				669	00-06-74
			1208	00-04-63				645	00-00-02
			1207	00-05-15				649	00-12-21
			1206	00-01-88				647	00-00-02
			1205	00-06-32				648	00-14-40
			1204	00-08-41				652	00-10-62
			1203	00-07-66				653	00-00-81
			1198	00-02-20				654	00-00-05
			1202	00-07-74				659	00-22-95
			1197	00-02-35				660	00-05-21
			1296	00-04-24				606	00-34-17
			1195	00-13-16				Road	00-06-17
			1193	00-28-96				395	00-00-79
			1192	00-13-29				539	01-04-61
			1191	00-05-46			Bordewadi	79	00-64-48
			1190	00-01-63				81	00-11-50
			1189	00-03-58				80	00-01-04
			1187	00-26-63				74	00-00-41
			1176	00-02-57				73	00-00-34
			1177	00-01-94				75	00-14-93
			1178	00-00-23				72	00-11-25
			Road	00-05-99				71	00-17-68
			891	00-27-17				62	00-06-27
			892	00-01-00				61	00-11-98
			Road	00-06-78				60	00-01-85
			899	00-14-02				59	00-01-29
			895	00-11-48				58	00-02-14
			898	00-08-10				57	00-00-11
			897	00-05-29				46	00-21-44
			896	00-12-71				40	00-00-03
			878	00-23-23				41	00-00-13
			873	00-02-53				197	00-41-24
			872	00-08-55		Rajguru-nagar	Sangurdi	196	00-12-56
			871	00-05-68				195	00-00-49
			716	00-25-57				194	00-00-10
			719	00-06-34				191	00-28-27
			710	00-09-76				190	00-10-52
			709	00-03-44				127	00-26-28
			707	00-04-43				128	00-29-82
			704	00-08-27				129	00-95-66
			705	00-11-77				133	00-07-28
			Road	00-07-94				134	00-06-76
			678	00-00-46				135	00-11-89
			670/2	00-07-19				136	00-13-13
			673	00-10-05				143	00-12-36
			672	00-08-23				146	00-11-14

1	2	3	4	5
Pune	Rajguru-nagar	Sangurdi	147	00-10-13
			148	00-13-69
			149	00-11-09
			100	00-12-15
			150	00-05-69
			Road	00-05-51
			29	00-12-92
			17	00-26-75
			30	00-09-71
			54	00-02-35
			53	00-10-71
			51	00-04-33
			50	00-15-30
			42	00-04-83
			41	00-01-83
			40	00-02-44
			39	00-03-40
			38	00-06-21
			32	00-05-20
			Road	00-11-03

[F. No. L-14014/12/2006-G.P.- (Part VI)]

S. B. MANDAL, Under Secy.

नई दिल्ली, 11 जनवरी, 2007

का.आ. 101.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का.आ. 3820 तारीख 21 सितम्बर, 2006, जो भारत के राजपत्र तारीख 23 सितम्बर, 2006 में प्रकाशित की गई थी, द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई-मांगल्या पाइपलाइन विस्तार योजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिये उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 12 नवम्बर, 2006 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की

उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने के बजाय, सभी विल्लिंगमों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : गंगापुर जिला : सर्वाई माधोपुर राज्य : राजस्थान

क्रम सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
1.	बाढ़ टटवाड़ा	118/474	0.0864
2.	ढाय	174	0.0900
		211	0.0800
		213	0.1450
		209	0.1100
		180	0.0480
		210	0.0900
3.	उमरी	960	0.0472
		961	0.0126
		889	0.1596
4.	खानपुर बड़ौदा	695	0.0500
5.	बिनेगा	639	0.0679
6.	सेवा	59	0.0320
		49	0.0600
		13	0.0600
		4	0.0364
7.	किशोरपुर	1742	0.0300
		1744	0.0300
		1743	0.0648
		799/2559	0.1396
8.	भालपुर	1430/1288	0.2286
		1288	0.4284
		1290	0.0430
		1250	0.0450
		1259/2	0.0500
		1271	0.0850
		1264	0.0280
		1299	0.0360
		1287/1420	0.2208
		1287/1418	0.2035
		1272	0.0600
		1249/1403	0.0512

1	2	3	4
9.	खंडीप	678	0.1340
10.	टटवाड़ा	798	0.0730
		799	0.0230
		782	0.1800
		772	0.0648
		780	0.0400
11.	हीरापुर	2	0.0612
12.	चूली	566	0.0072
		989	0.0340

[फा. सं. आर-31015/93/2004-ओ.आर.-11]

ए. गोस्वामी, अवर सचिव

New Delhi the 11th January, 2007

S.O. 101.—whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 3820 dated the 21st September, 2006 issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 23rd September, 2006, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited;

And whereas copies of the said Gazette Notification were made available to the public on the 12th November, 2006;

And Whereas the Competent Authority has, under Sub-section (1) of Section 6 of the said Act, submitted report to the Central Government;

And Whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification is hereby acquired for laying the pipe line;

And further in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government directs that the right of user in the land for laying the pipeline shall, instead of vesting in the Central Government, vest on this date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

Tehsil : Gangapur		District : Sawai Madhopur	State : Rajasthan
Sl. No.	Name of Village	Survey No.	Area in Hectare
1	2	3	4
1.	Badh Tatwada	118/474	0.0864
2.	Dhay	174	0.0900
		211	0.0800
		213	0.1540
		209	0.1100
		180	0.0480
		210	0.0900
3.	Umri	960	0.0472
		961	0.1260
		889	0.1596
4.	Khanpur Badoda	695	0.0500
5.	Binega	639	0.0679
6.	Seva	59	0.0320
		49	0.0600
		13	0.0600
		4	0.0364
7.	Kishorpur	1742	0.0300
		1744	0.0300
		1743	0.0648
		799/2559	0.1396
8.	Bhalpur	1430/1288	0.2286
		1288	0.4284
		1290	0.0430
		1250	0.0450
		1249/2	0.0500
		1271	0.0850
		1264	0.0280
		1299	0.0360
		1287/1420	0.2208
		1287/1418	0.2035
		1272	0.0600
		1249/1403	0.0512
9.	Khandip	678	0.1340
10.	Tatwada	798	0.0730
		799	0.0230
		782	0.1800
		772	0.0648
		780	0.0400
11.	Hirapur	2	0.0612
12.	Chuli	566	0.0072
		989	0.0340

[F. No. R-31015/93/2004-OR-II]

A. GOSWAMI, Under Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 13 दिसम्बर, 2006

का.आ. 102.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लोकटक हाइड्रो इलेक्ट्रिक पावर कॉर्पोरेशन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, गुवाहटी के पंचाट (संदर्भ संख्या 4/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-2006 को प्राप्त हुआ था।

[सं. एल-42012/61/2002-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 13th December, 2006

S.O. 102.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 4/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Guwahati as shown in the Annexure in the Industrial Dispute between the management of Loktak Hydro Electric Power Corpn. and Loktak and their workmen, received by the Central Government on 13-12-2006.

[No. L-42012/61/2002-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**IN THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
GUWAHATI, ASSAM**

PRESENT :

Sri H. A. Hazarika, Presiding Officer,

CGIT-cum-Labour Court,
Guwahati.In the matter of an Industrial Dispute
between:The Management of Loktak Hydro
Electric Power Corporation, Imphal

Vrs.

The Organising Secretary,
Bharatiya Mazdoor Sangh, Silchar**Ref. Case No. 4 of 2004****APPEARANCES**

For the Management : Dr. N.K. Singh, Advocate.

For the Union : Mr. Prem Krishna, Advocate.

Date of Award : 06-12-06.

AWARD

1. The Government of India, Ministry of Labour, New Delhi vide its Notification No. L-42012/61/2002-IR (C-II): dated 20-11-2003 referred this Industrial Dispute arose

between the Management of Loktak Hydro Electric Power Corporation, and their workmen in exercise of power conferred by Clause-(d) of Sub-Section (I) and Sub-Section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) for adjudication on the basis of the following Schedule:—

Schedule (Corrigendum)

“Whether the demand of Bharatiya Mazdoor Sangh, Assam and Uttar Purbanchal Region, Silchar for re-engagement/absorption of workers (as per list enclosed), who have been retrenched from their job by the management of Loktak Project of NHPC, Manipur, in Loktak Down Stream Hydro Electric Project is legal and justified? If so, to what relief they are entitled? ”

2. The matter was pending in the State Industrial Tribunal at Guwahati and on inception of this CGIT -Cum-Labour Court as per procedure the Proceeding (record) is transferred and this CGIT-Cum-Labour Court received the same on 7-12-04. On being appearances of both the parties, the matter is proceeded for adjudication and to pass Award here as per procedure.

3. The case of the Union (Workers) from the narration of their W. S. in brief is that NHPC, Loktak Hydro Electric Projects is a Public Sector Industry which is functioning in Manipur and employed 300 of workers who were discharging their duties to the best satisfaction of the authorities concerned.

4. The NHPC taking advantage of poverty of the workers retrenched 300 workers unlawfully without granting any benefit to the workers by introduction as self style Voluntarily Retrenchment Scheme. There was no notice about the promulgation of the VRS except Gazette Notification. That the NHPC Management even verbally given assurance that whenever a new Project under NHPC would be taken up the workers will be absorbed. But workers were not absorbed. That the above mentioned 300 workers are even ready to work under NHPC in Manipur or any where in India but they were not employed and the rights and privileges of the workers were illegally denied. That the Management committed unfair labour practice. That the workers approached the Management up to higher authority for this unlawful acts of the Management but the Management did not pay heed to their representations and finally the workers intimated the Union to take up the wrongful activities of the management. As a result of which conciliation proceeding was initiated by the Regional Labour Commissioner on 13-5-2000 but that conciliation proceeding was failed on 24-12-01.

5. That at the time of alleged introduction of Voluntary Retirement Scheme Management forced the innocent workers to accept the management sponsored self style anti labour Scheme of the Management for the interest of the Management and verbally announced financial package for the workers and the workers verbally requested and prayed continuously to the Management that they will not

submit any option of Voluntary Retrenchment Scheme as it would be detrimental to their interest. But unfortunately no financial package as announced verbally by the Management was granted to a single worker. That the Management threatened the workers that unless they submit the alleged option form supplied by the Management their service would be terminated without any financial benefits. Under the above facts and circumstances the Union (workers) prayed to pass order directing the Management NHPC, Loktak Project, Manipur-I to absorb the workers in Loktak Project in Manipur and anywhere in India under NHPC and make payment of Pay, Allowances and all other benefits as applicable to any other cost as the Hon'ble Court may deem fit and proper.

6. The case of the Management in brief that the Loktak Down Stream Hydel Project is in the Tailong District in Manipur. That the disputed matter is not related to Loktak Down Stream Hydel Project. This dispute relates mostly to the period from 1982 to 1984 as such, this dispute can not be raised after lapse of 18 years.

7. That the workers were not forced to opt VRS and LVRS. The workers voluntarily opted to these Schemes. The Voluntary Schemes were offered to the workers and many of the workers accepted the voluntarily scheme i.e. VRS and LVRS for which they got financial benefits. They accepted the financial package offered by the Management. Each of the worker who opted to VRS and LVRS were awarded Rs. 70,000 to Rs. 1,00,000. The workers voluntarily opted the Schemes during the period 1982-84. They have voluntarily opted the Scheme at that time to derive the benefits of the said amount which was quite substantial at the relevant time. The Schemes were launched for a specific period of time. The schemes had wide appeal among the employees and they made several representations to the NHPC authority through their Association, Union to extend/reopen the Voluntarily Retirement Scheme and Liberalized Voluntarily Retirement Scheme and the NHPC was compelled to extend the Scheme from time to time. The scope and ambit of both the Schemes are same. That the issue raised by the Union (Workers) is barred by limitation in as much as the alleged Workers being disengaged from Loktak Project under a benevolent scheme opted by them. Their re-employment/absorption cannot be considered after lapse of 18 to 20 years and prayed to dismiss the claim of the Workers.

8. Heard the Argument submitted by Dr. N.K. Singh, Advocate for the Management and Mr. Prem Krishna, Advocate for the Workman. Also perused the written argument submitted for the Union (workers). Perused the following exhibited documents of the Management.

Exhibit A : Copy of the Voluntary Retrenchment Scheme.

Exhibit B : Instance of application for Voluntary Retrenchment.

Exhibit C : Copy of Liberalised Voluntary Retrenchment Scheme.

Exhibit D : Instance of application for liberalized Voluntary Retrenchment.

Exhibit E : Representation of the General Secretary of Loktak Project Employees and Worker's Federation.

Exhibit F : Copy of liberalized Voluntary Retirement Scheme.

Exhibit G : Order dated 20-6-91.

Exhibit H : Instance of application of Liberalised Voluntary Retirement.

Exhibit H (1) : is the signature.

9. For the management. M. Iboyaima Singh appeared as witness. He is cross examined by the learned Advocate for the Union (workers). For the Union (workers) Mr. Oinam Kerani Singh appeared as W.W.1, Sri Paban Shanti Kumar Singh as W.W.2, Sri Khwaira Kpam Shibashakti Singh as W.W.3. All of them are cross examined by the learned Advocate for the Management. Perused the evidence which are mostly recorded by my own hand.

10. On perusal of the documents and the evidence in the record I find the Management introduced the Scheme of Voluntary Retrenchment Scheme and Liberalised Voluntary Retrenchment Scheme. During the period 1982-84 some workers opted to these and took the benefit of it. I find the workers were not threatened to accept these schemes. At the same time I find they claimed that there was an assurance that they will be absorbed by the Management in a separate Project but I do not find such assurances made by the Management. They have also claimed that they were not absorbed as assured. In the record I have not found that Management has assured that they would have been absorbed some other Project. The claim of the workers are not at all believable in the present fact and circumstances of the case. On perusal of the Para-19 (a) of the W.S. of the workers it appears to me that the workers accepted the VRS and LVRS voluntarily and in return they got financial packages. I do not believe that they were forced. Ext.B and Ext.D are the example of their voluntariness. During the course of argument learned Advocate for the management submitted the Case Laws (1996) 5 SC 419, Central Bank of India-Vrs-S. Satyam and Ors. According to this case the claim of the workers is time barred. Here in the referred case Hon'ble SC mentioned the "*laches leading to the long delay after which the writ petition was filed in 1982 is sufficient to disentitle them to the grant of any relief in the writ petition.*"

11. Under the above facts and circumstances it is cleared that the workers accepted the VRS and LVRS voluntarily. On perusal of the evidence and documents in the record I find that the claim of absorption etc. of the Union, in my opinion is false and afterthought. They have voluntarily accepted the Schemes offered by the Management for their financial benefit. They have already received benefit under the relevant schemes. Hence, they are not entitled for anymore. Accordingly the claim of the workers is dismissed. They are not entitled for any relief.

12. Prepare the award and send it immediately as per procedure.

H. A. HAZARIKA, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 2006

का.आ. 103.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 236/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-2006 को प्राप्त हुआ था।

[सं. एल-22012/289/2002-आई आर(सी.-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 13th December, 2006

S.O. 103.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 236/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the management of Naigaon Sub Area (Wani Area) of WCL, and their workmen, received by the Central Government on 13-12-2006.

[No. L-22012/289/2002-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI A. N. YADAV, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR.**

Case No. NGP/236/2003

Date 01-12-2006

Petitioner : Shri Tulsiram Govinda Workman,
Party No.1 Shri Kannur Rajaram Madan,
President, National Colliery Workers
Congress, Br. Wani Area, Ramnagar,
Ghugus, Qrt. No. 409, PO. Ghugus, Dist.
Chandrapur (M.S.)

Versus

Respondent : The Sub Area Manager
Party No.2 Naigaon Sub Area (Wani Area) of WCL,
PO. Bellora, Tah. Wani, Dist. Yavatmal
(MS).

AWARD

(Dated: 1st December, 2006)

1. The Central Government after satisfying the existence of disputes between Shri Tulsiram Govinda, Workman, through Shri Kannur Rajaram Madan, President, National Colliery Workers Congress, Sr. Wani Area, Ramnagar, Ghugus, Qrt. No. 409, PO. Ghugus, Dist. Chandrapur (M.S.) Party No.1 and The Sub Area Manager, Naigaon Sub Area (Wani Area) of WCL, Po. Bellora, Tah. Wani, Dist. Yavatmal (MS) Party No.2 referred the same for adjudication to this Tribunal vide its Letter No. L-22012/289/2002-IR(CM-II)

Dt. 13-10-2003 under clause (d) of sub Section (1) and sub Section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the action of the management in relation to Wani Area Tadali of WCL in reducing the category and wages of the workmen as detailed in the list enclosed is legal and justified? If not, to what relief the workman are entitled?"

3. The dispute came up for hearing before the Tribunal on 01-12-2006. Right from the date of receipt of the reference nobody appeared. However, on behalf of respondent one Advocate Shri Pillai appeared and filed his Vakalatnama. Again on subsequent date nobody appeared till today. Hence it is disposed of for default of the petitioner. He has not submitted even the Statement of Claim, which indicate that he has no interest. It stands as rejected. In a result the action of the management is proper and legal and petitioner is not entitled for any relief. Hence this award.

Dated : 01-12-2006

A. N. YADAV, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 2006

का.आ. 104.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 20/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-2006 को प्राप्त हुआ था।

[सं. एल-22012/80/2004-आई आर(सी.-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 13th December, 2006

S.O. 104.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 20/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the management of Western Coalfields Limited, and their workmen, received by the Central Government on 13-12-2006.

[No. L-22012/80/2004-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI A. N. YADAV PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR.**

Case No. NGP/20/2005

Date 04-12-2006.

Petitioner : Shri M. P. Ramteke, Workman, through
Party No.1 Shri Chandrakant Khandare, General
Secretary, Koyla Shramik Sabha (HMS),
Br. Chandrapur, C/o Khandre, Near
Mahakali Temple, Chandrapur (M.S.)

Versus

Respondent : The Chief General Manager,
Party No.2 Chandrapur Area of Western Coalfields
Limited, Post & Distt. Chandrapur (MS).

AWARD

(Dated : 04th December 2006)

1. The Central Government after satisfying the existence of disputes between The Chief General Manager, Chandrapur Area of Western Coalfields Limited, Post & Distt. Chandrapur (MS) Party No.1 and Sh Chandrakant Khandare, General Secretary, Koyla Shramik Sabha (HMS), Br. Chandrapur, C/o Khandare, Near Mahakali Temple, Chandrapur (M.S.) Party No.2 referred the same for adjudication to this Tribunal vide its Letter No. I-22012/80/2004 -IR(CM-II) Dt. 28-01-2005 under clause (d) of Sub-section (1) and Sub section (2A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the action of the management in relation to Chandrapur Area of WCL in excluding the name of Shri M. P. Ramteke, Store Keeper Gr. I from the seniority list of Store Keeper Gr. I as on 31-01-1996 issued vide endorsement No. WCL/CHA/CGM/ Adm./16093 dt. 20-02-1996 and thereafter not considering him for promotion to the post of Sr. Store Keeper Special Gr. w.e.f. 01-02-1996 is legal and justified? If not, to what relief is the workman is entitled and from what date?"

3. The dispute came for the hearing before the Tribunal today on 04-12-2006. On behalf of the petitioner as well as respondent the respective representatives are present. The Petitioner Shri Ramteke is also present. They have amicably settled the matter between the management, workman and the union and finally they entered into an agreement. The Memorandum of Agreement is filed by the parties on record. They agreed fully and finally that the Tribunal should pass the award as per their settlement and their remains no dispute. The terms of the settlement are as under :—

- (1) The dispute is pending before the Hon'ble CGIT under Ref. No. L-22012/80/2004-IR (CM-II). The Parties have discussed the matter mutually and the workman was apprised that retrospective promotion cannot be done at this level and his case can be considered sympathetically by considering his promotion as Store Keeper Special Grade w.e.f. 14-10-2006 against the sanctioned Manpower Budget 2006-07. After apprising the same to the workman, both the parties agreed with this, proposal and amicably settled the issue under following terms :
- (2) Sri M. P. Ramteke, Store Keeper will not be entitled for any notional seniority or any arrears arising out of this promotion took place on said mentioned date.
- (3) That the agreement shall not be treated as precedent in any other case.

(4) That this agreement resolves the instant dispute fully and finally and no party to it shall be entitled to raise it or any issue related or incidental to it, in any forum in future.

(5) That both the parties agreed to file copies of the agreement before the Hon'ble Tribunal with prayer to kindly pass compromise award as per the terms of agreement.

4. Both the parties agreed in the above terms and I hold that the settlement is proper and legal. Hence the award is passed in the terms of settlement that now their remain no dispute between the worker Shri M. P. Ramteke and the Management i.e. both the parties.

Hence this award.

Dated : 04-12-2006

A. N. YADAV, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 2006

का.आ. 105.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 12/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-2006 को प्राप्त हुआ था।

[सं. एल-22012/113/2003-आई आर(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 13th December, 2006

S.O. 105.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 12/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the management of Ningha (R) Colliery, M/s Eastern Coalfields Ltd., and their workmen, received by the Central Government on 13-12-2006.

[No. I-22012/113/2003-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL. PRESENT

Sri Md. Sarfaraz Khan, Presiding Officer

Reference No. 12 of 2004

Parties : Agent, Ningha (R) Colliery of M/s. E. C. Ltd., Ningha, Burdwan.

Vrs.

Shri M.N. Dubey, Organising Secretary,
Colliery Mazdoor Union. (INTUC).
Asansol, Burdwan.

REPRESENTATIVES

For the management : Sri P. K. Das, Advocate.
 For the union (Workman) : None.
 Industry : Coal State : West Bengal.

Dated the 31-10-2006

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/113/2003-IR(CM-II) dated 03-02-2004 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the Management of Ningha Colliery under Sripur Area of M/s. ECL in not promoting Sh. S.M.Kamaluddin with S/Sh Ugranarayan Singh and six others w.e.f. 7-10-02 as Fitter is legal and justified? If not, to what relief the workman concerned is entitled to?”

After having received the order No. L-22012/113/2003-IR(CM-II) dated 03-02-2004 of the aforesaid reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference Case No. 12 of 2004 was registered on 16-02-2004 and accordingly an order to that effect was passed to issue notices through the registered post with A/D to the parties concerned directing them to appear in the court on the date fixed and file their written statement along with the relevant documents and a list of witnesses in support of their claims. Pursuant to the said order notices through the registered post were issued to the respective parties.

From perusal of the record it transpires that Sri P. K. Das, Advocate appeared for the management but no written statement has been filed on his behalf. It is further clear from the record that notice issued from the court was served upon the union on 03-06-2004 and after having received the notice put his signature with date on the A/D. The order sheets of the record go to show that several adjournments were given in this case since the date of personal service of the notice but nobody turned up to represent the case of the workmen concerned. The long non-appearance of the union in spite of the best legal personal service of the notice is itself clear to show that the union has lost its interest and does not want to proceed with the case further. In such a prevailing facts and circumstance of the case now it is not proper or advisable to keep the record pending any more as no purpose is to be served. As such it is hereby

ORDERED

that let a “No Dispute Award” be and the same is passed. Send the copies of the award to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

Md. SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 2006

का.आ. 106.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, असनसोल के पंचाट (संदर्भ संख्या 11/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-2006 को प्राप्त हुआ था।

[सं. एल-22012/112/2003-आई आर(सी.-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 13th December, 2006

S.O. 106.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 11/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the management of Girmint (R) Colliery, M/s Eastern Coalfields Limited and their workmen, received by the Central Government on 13-12-2006.

[No. L-22012/112/2003-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL****Present :**

Sri Md. Sarfaraz Khan, Presiding Officer.

Reference No. 11 of 2004

Parties : Agent, Girmint (R) Colliery of ECL, Pariharpur, Burdwan

Vrs.

Sri Pathal Majhi, C/o Sri Kartik Chandra Gosh.

REPRESENTATIVES

For the management : Sri P. K. Das, Advocate.
 For the union (Workman) : Sri Kartik Chandra Ghosh, Advocate.
 Industry : Coal. State : West Bengal
 Dated the 09-11-2006.

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/112/2003-IR(CM-II) dated 30-01-2004 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the Management of Girmint (R) Colliery in dismissing Sh. Pathal Majhi,

U.G.Loader, w.e.f. 21-3-96 is legal and justified? If not, to what relief the workman is entitled and from which date ?”

After having received the Order No. L-22012/112/2003-IR(CM-II) dated 30-01-2004 of the aforesaid reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference Case No. 11 of 2004 was registered on 16-02-2004 and accordingly an order to that effect was passed to issue notices to the parties concerned through the registered post with A/D directing them to appear in the court on the scheduled date and file their respective written statement along with the relevant documents and a list of witnesses in support of their specific claims. Pursuant to the said order notices by the registered post with A/D were sent to the respective parties. Sri P.K.Das, Advocate and Sri Kartik Chandra Ghosh, Advocate appeared to represent the management and the union respectively and filed their written statement in support of their claims.

From New Park perusal of the record it transpires that on 29-07-05 lawyers of both sides appeared and prayed for time for filing their documents which was allowed and 23-09-05 was the next fixed date for the same purpose. It is further clear from the order sheets of the record that the union left taking any step from the very next fixed date i.e. 23-09-2005 and remained absent till 09-11-06. Several adjournments were granted to the union in between 23-09-05 to 9-11-06 to appear in the court in order to take suitable steps but to no effect. The regular absence of the union in spite of repeated adjournments go to indicate that the union has got no interest and does not want to proceed with the case further. In such circumstance it is not proper and advisable to keep the record pending any more as no useful purpose is to come out. As such it is hereby

ORDERED

that let a “No Dispute Award” be and the same is passed. Send the copies of the award to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

Md. SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 2006

का.आ. 107.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, असनसोल के पंचाट (संदर्भ संख्या 14/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-2006 को प्राप्त हुआ था।

[सं. एल-22012/62/2003-आई आर(सी.-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 13th December, 2006

S.O. 107.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.No. 14/

2004) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the management of Girmint (R) Colliery, M/s Eastern Coalfields Limited and their workmen, received by the Central Government on 13-12-2006.

[No. L-22012/62/2003-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT:

SRI MD. SARFARAZ KHAN, Presiding Officer

Reference No. 14 of 2004.

Parties : Agent, Girmint (R) Colliery of M/s. E C. Ltd., Pariharpur, Burdwan.

Vrs.

Sh. Lilu Hembram, C/o Sh. Kartik Chandra Ghosh.

REPRESENTATIVES

For the management : Sri P. K. Das, Advocate.

For the union (Workman) : Sri Kartik Chandra Ghosh, Advocate.

Industry : Coal State : West Bengal

Dated the 09-11-2006

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/62/2003-IR(CM-II) dated 30-01-2004 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the Management of Girmint (R) Colliery in dismissing Sh. Lilu Hembram, U.G.Loader, w.e.f. 23-09-96 is legal and justified? If not, to what relief the workman is entitled and from which date ?”

Having received the Order No. L-22012/62/2003-IR(CM-II) dated 30-01-2004 of the above said reference from the Govt. of India, Ministry of Labour New Delhi for adjudication of the dispute, a reference Case No. 14 of 2004 was registered on 16-2-2004 and accordingly an order to that effect was passed to issue notices to the respective parties through the registered post directing them to appear in the court on the date fixed and file their respective written statement along with the list of relevant documents and a list of witnesses in support of their claims. In compliance of the said order notices by the registered post were issued to the parties concerned. Sri P. K. Das, Advocate and Sri Kartik Chandra Ghosh, Advocate appeared in the court to represent the management and the union respectively and filed their written statement in support of their claims.

From perusal of the record it transpires that 23-09-2005 was the date fixed for filing the documents by the union as a last chance but the order sheet goes to show that the union left taking any step since 23-09-05 to 9-11-06, Several adjournments were granted to the union for its appearance to take proper step on its behalf but to no effect. The regular absence of the union from 23-09-05 to 9-11-06 go to show that the union has left its interest and does not want to proceed with the record further. In the prevailing facts and circumstances of the case it is not proper and advisable to keep the record pending any more as there is no possibility of the appearance of the union or the workman concerned in the near future. As such it is hereby

ORDERED

that let a "No Dispute Award" be and the same is passed. Send the copies of the award to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

MD. SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 13 दिसम्बर, 2006

का.आ. 108.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 142/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-12-2006 को प्राप्त हुआ था।

[सं. एल-22012/63/1999-आई आर(सी.-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 13th December, 2006

S.O. 108.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 142/1999) of the Central Government, Industrial Tribunal/Labour Court Asansol as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ECL and their workmen, which was received by the Central Government on 13-12-2006.

[No. L-22012/63/1999-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT

SRI MD. SARFARAZ KHAN, Presiding Officer

Reference No. 142 Of 1999.

PARTIES

Agent, Kottadih Project of ECL,
Pandaveshwar, Burdwan.

Vrs.

Chief General Secretary, Koyala Mazdoor
Congress, Asansol, Burdwan

REPRESENTATIVES

For the management : Sri P. K. Das, Advocate.

For the union (Workman): Sri S. K. Pandey, General
Secretary, Koyala Mazdoor
Congress Asansol, Burdwan

Industry : Coal

State : West Bengal

Dated 31-10-2006.

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/63/99/IR(CM-II) dated 25/31-08-1999 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the Management of Kottadih Project of M/s. ECL in not regularizing Sh. Ananda Noy Pal, General Mazdoor as Clerk w.e.f. 1993 is legal and justified? If not to what relief the workman concerned is entitled?"

After having received the Order No. L-22012/63/99/IR(CM-II) dated 25/31-08-1999 of the aforesaid reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference Case No. 142 of 1999 was registered on 14-9-99/5-10-01 and accordingly an order to that effect was passed to issue notices to the respective parties through the registered post directing them to appear in the court on the date fixed and to file their written statement along with the relevant documents and a list of witnesses in support of their claims. Accordingly notices were issued by the registered post with A/D to the parties concerned. Sri P.K.Das, Advocate and Sri S.K.Pandey, General Secretary of the union appeared on behalf of the management and the union respectively.

From perusal of the record it transpires that none of the parties have filed their written statement in spite of several adjournments. It further transpires from the order sheet of the record that 28-8-06 was the date fixed for filing written statement on behalf of the parties. S.K.Pandey, General Secretary of the union submitted that he has got no contact or instruction from the workman concerned since a long time. So he does not want to proceed with the case further. The record goes to show that more than four years have been passed but none of the parties could file their written statement in support of their claim which itself indicates that the union has got no interest to proceed with the case. As such it is not proper or advisable to keep the record pending any more as no useful purpose is to be served. Hence it is hereby

ORDERED

that let a "No Dispute Award" be and the same is passed. Send the copies of the award to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

Md. SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 2006

का.आ. 109.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (संदर्भ संख्या 209/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-12-2006 को प्राप्त हुआ था।

[सं. एल-22012/298/1994-आई. आर.(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 18th December, 2006

S.O. 109.— In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 209/1994) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the industrial dispute between the management of NCL and their workman, which was received by the Central Government on 18-12-2006.

[No. L-22012/298/1994-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT, JABALPUR

No. DGIT/LC/209/94

Presiding Officer : Shri C. M. Singh

Shri Subhash Rai,
Through the President, NCWF (NIL),
Amlohari Project,
P. O. Amlohari Colliery
Distt. Sidhi

.....Workman/Union

Versus

The General Manager,
Amlohari Project, NCL,
Post. Amlohari Colliery,
Distt. Sidhi

.....Management

AWARD

Passed on this 17th day of November, 2006

1. The Government of India, Ministry of Labour vide its Notification No. L-22012/298/94- IR (C-II) dated 15-11-94 has referred the following dispute for adjudication by this tribunal :—

“Whether the action of General Manager, Amlohari Project of NCL in revoking absorption/upgradation order dated 9-10-88 by way Shri Subhash Rai, Dumper Operator Gr II was bonafide is legal and justified ? To what relief the workman is entitled to ?”

2. The case of workman Sri Subhash Rai is as follows. That he is presently working as Sr. Dumper Operator at a pay of Rs. 86.26 at Amlohari Project by order No. AML/PD/Prmn/DR/94/742 dated 29-12-94 w. e. f. 10-11-94. That an agreement was entered into between the management of the then Company CCL (now NCL) and the representatives of the then M. P. Colliery Workers' Federation in respect of cases of Dumper Operators Grade II, who has been promoted from the post of Trainee Dumper Operators. The said agreement is as follows :

- (i) The existing Dumper Operators Grade II in Singrauli Area who has been Trainee Dumper Operators will be in the pay scale of Dumper Operator for one year (excluding the period of training).
- (ii) The existing Dumper Operator Grade II as referred to in sub para (i) above, who have completed one year's service in that post will be put at par with Dumper Operator Grade-I and paid “make-up” wages between Dumper Operators Grade I and Grade II in terms of para 50 chapter 12 of Coal Wage Board report for one year.
- (iii) After receiving payments of make up wages as indicated in sub para (ii) above, for one year they will be regularly absorbed as Dumper Operators Grade-I and paid wages in the pay scale of that post and their pay will be fixed in that pay scale.
- (iv) The existing Dumper Operators Grade II as referred in Sub para (i) above, who have put in more than one year's service as Dumper Operator Grade-II will also be given the benefit referred to in sub paras (ii) and (iii) above and arrears due to them will be paid to them.

This agreement from the date of its execution i. e. 2-1-1976 till date is in existence and has not been either superseded or substituted. The workman was appointed as general mazdoor Cat-I w. e. f. 19-9-1972 in Jhingurda Project, NCDC. He was promoted as driver Cat-V in the year 1974 and as Dumper Operator (Trainee) in 1975. This training was to last for one year. As Dumper Operator (Trainee) the workman was required to drive dumpers of 35 tonnes (L W 35) whereas per job description contained in the compilation known as “Nomenclature Job Description and Categorisation of Coal Employees” circulated by JBCCI, a Dumper Operator (Trainee) is required to drive dumpers of capacity 8 to 15 tonnes. After successfully completing the training the workman was designated as Dumper Operator Grade-II in the year 1975. In this year also, the workman drove dumpers of the same capacity whereas as per job description, Dumper Operators Grade II are required to drive dumpers of the capacity of 15 to 22 tonnes. The workman was promoted and regularised as Dumper

Operator Grade-I in 1978 w. e. f. 4-8-78 by order dated 5-12-1978. He was on probation for one year which he completed successfully. He continued to work as Grade-I Dumper Operator upto 1982. Thereafter he was subject to the departmental enquiry which resulted in punishment of reversion and accordingly the workman was reverted as Dumper Operator Grade-II in May 1983. The workman continued to work as Grade-II Dumper Operator thereafter. Though the workman ought to have been promoted/regularised as Dumper Operator Grade-I after one year as per the policy of Northern Coalfields Limited pursuant to the agreement dated 2-1-1976, but he was not promoted. On contrary since 1984, the workman was required to drive Dumpers of the capacity of 85 tonnes, a job that of a special Grade Dumper Operator, as per job description. In other words while the workman was kept on the lower post with less pay, but was required to perform the duties of higher posts carrying higher pay. This continued for a number of years. It appears that some wisdom prevailed upon the management in the year 1988 and an order No. AML/PD/PM/Prmn/88/1672 dated 9-10-88 was passed. It was given to understand that in terms of recommendations of the Departmental Promotion Committee constituted vide office order AML/PD/PM/Prmn/DPC/88/1550 dated 23-9-88, the applicant was absorbed/upgraded from the dates noted below and was on probation for a period of one year :—

- (i) Difference of wages of Grade I Dumper Operator with effect from 27-5-1984.
- (ii) Absorption as Dumper Operator Grade I with effect from 27-5-1985.
- (iii) Difference of wages of Sr. Dumper Operator with effect from 27-5-1985.

It is submitted that the said order was issued after consideration/assessment of the suitability of the workman by the duly constituted Departmental Promotion Committee and in strict compliance of the agreement referred above dated 2-1-1976. That to the utter surprise of the workman, without assigning any reasons, without affording any opportunity and in utter disregard to all the norms/terms of promotion policy flowing from the agreement dated 2-1-1976, the management passed an order No. GM/AML/88/2539 dated 8-1-89 i. e. prior to the issuance of promotion/absorption order dated 9-10-88 revoking the order dated 9-10-88 with retrospective effect. Being aggrieved by the order of reversion, the workman had raised an Industrial dispute before the Assistant Labour Commissioner (C), Shahdol. While the conciliation proceedings were going on the workman though was designated and paid wages of Dumper Operator Grade-II but was required to perform duties of special Grade Dumper Operator as he was to drive Dumpers of 85 tonnes capacity, the job which the workman has been doing since 1984 uninterruptedly. In addition thereto by order No. Dy. GM/Mine 90 dated 11-8-90, the workman was required to perform the duties of Pit

Supervisor also. The nature of duties are specified in the said letter. The nature of job as per job description of Pits Supervisor is as follows :—

“A Pit Supervisor would be required to ensure that shift is started in time and it does not end before the prescribed time. He will be responsible for deployment of equipment on the face and their safe and efficient operation, regulation of dumpers in the dumping site and coordination between shovels, dumpers, dozers, drills and blasting and safely operation. He will also be entrusted with preparation of production report during the shift and maintenance of link of communication between the management and the workers in the machines quarries so that improvement of productivity through better use of machinery and morale of workers can be achieved. The Pit Supervisor will be the team leader and the main duty will be to plan and co-ordinate the operation in such a way that optimum utilisation of the HEM is made. He should also check the machines periodically and operate the machines for demonstration and operating efficiency. He may also check undue delays in the operation. As a leader of the operation he has to educate and inculcate a sense of punctuality and efficiency amongst the workers.”

While discharging the duties and responsibilities as above, the Pit Supervisor shall work under the guidance or, and in co-ordination with, though statutory supervisory Personnel employed in the open cast mine, for the strict compliance of the provisions, rules and regulations, in force, under the Mines Act (I. I. No. 36 dated 2-2-1981). Comparing the two, the job performed by the workman and that of Pit Supervisor shown above are identical and similar. That to the surprise of the applicant by order No. Dy. CM/Mine/53 dated 1-9-91 the order dated 11-8-90 was cancelled i. e. after one year one month. In view of the above the order of revocation dated 8-1-89 is wholly illegal and cannot be sustained in the eye of law.

3. The management contested the reference and filed their Written Statement. Their case in brief is as follows. That the workman was appointed on 4-9-72 and was made Dumper Operator (Trainee) on 1-1-75 and was regularised as Dumper Operator Grade-II w.e.f. 1-1-76. He was promoted to the post of Dumper Operator Grade-I w. e. f. 21-8-78. The averment of the workman that he was promoted to Dumper Operator Grade-I in 1976 is incorrect and false. The conduct of the workman was not satisfactory since very beginning. He was in the habit of taking law in his hand. He had committed major misconduct on several occasions for which he was punished. Some of the incidents of misconduct committed by workman and punishment imposed on him from time to time are given below :—

The workman was issued a chargesheet No. 37-44 dated 18-7-82 on the charge of theft. A departmental enquiry was conducted against the said charge. Based on the proved misconduct in the DE, the workman was served with a punishment order No. 6957-65 dated 26th May 1983

and the punishment of reversion to the post of Dumper Operator Grade-II in the pay scale of Rs. 23.60-1.13-37.16 and fixation of basic pay at the stage of Rs. 23.6- per day in that scale w. e. f. 27-5-83 was awarded. The workman was served with a chargesheet No. 2001 dated 16-9-86 for obstructing workers from attending their duties on 14-9-86 and he also did not attend duty though he was chartered for that Sunday duty due to which production loss occurred. Therefore, he was placed under suspension through the said order. Having proved the misconduct committed by the workman, he was served with punishment order No. 154, dated 27/30-4-87 awarding him punishment of confirming the suspension period from 17-9-86 to 27-9-86 interalia administering a warning to the effect that if such misconduct is repeated, it would be taken seriously and an entry shall be made in his service book. The workman was again served with a chargesheet No. 2418 dated 14-10-86 for leaving his work place during duty hours without permission due to which the management suffered loss of production. The workman was served with chargesheet No. 4787 dated 3-1-86 as the door lock of the dumper he was operating on 18-12-85 (dumper No. 5509) was broken out and went out in the field due to negligence and carelessness. The workman was again issued with a chargesheet No. 15 dated 7-2-87 for physically obstructing his co-workman namely Shri Bans Rakhan Pd. Tiwari, D/ Operator on 21-1-87 from going to duty due to which Shri Tiwari was injured and could not attend duty which has resulted in loss of production. The workman was again served with charge sheet No. 294 dated 28-8-87 for forcibly and unauthorisely breaking open the lock of Miner's quarter No. 235 which was previously allotted to Workers' Recreation Club which was subsequently allotted for proposed Consumers' Cooperative Store, Amlohri. He was again served with chargesheet No. 132 dated 10-1-88 for instigating 3rd shift operators on 9-1-88 to stop work which resulted in production loss of 8500 cum overburden and about 600 M/T of coal. He was served with punishment order No. 1632 dated 3-10-88 against the chargesheet No. 132 dated 10-1-88 and punishment of confirming the period of suspension for the period from 11-1-88 to 16-1-88 (excluding Sundays) for the proved misconduct of habitual indiscipline and committing misconduct on different occasions. He was also warned to be careful in future and in case of recurrence of such act, in future, the matter will be viewed very seriously with an entry in the service book. The workman was declared persona-non-grata vide office order No. GM/AML/279 dated 28-8-97 for giving threats to officers. That for the purpose of promotion, a Departmental Promotion Committee is constituted which make recommendations for promotion of eligible candidates. The DPC is bound to act in accordance with the procedure laid down for. The DPC is bound to assess the ACRs of the concerned employees, their integrity and fitness for promotion. The recommendations of DPC are subject to approval by the Competent Authority. It is not necessary

that the recommendations of the DPC should be accepted in toto by the competent authority. It is well within the powers of the competent authority to accept or reject the DPC proceedings. In the instant case, the competent authority in exercise of powers vested in him did not find the workman fit for promotion to the next higher grade keeping in view the various misconducts committed by him from time to time as mentioned above. Due to some mistake, an office order was issued *Vide* No. 1672 dated 9-10-1988 absorbing/upgrading the workman to the Post of Dumper Operator Grade I w.e.f. 27-5-85 which was revoked by the competent authority *Vide* Office Order No. 2539 dated 8-1-89. The order of absorption/upgradation was issued by Mistake and there was no question of giving any opportunity. There was no violation of norms of promotion/observation. The Promotion is given based on annual performance for the past. The ACRs of the workman were not upto the mark for consideration of his case for promotion/absorption. In view of the above, the action of the management in not absorbing/upgrading the workman to the post of Dumper Operator Grade-I is legal, proper and justified and the workman is not entitled to any relief what-so-ever.

4. The workman/Union in order to prove their case examined workman Shri Subhash Rai and filed certain documents. The management for defending the reference examined their witnesses Shri Lalta Choubey, the then Sr. Mining Engineer and Shri O.P.N.Sinha, the then Dy. Personnel Manager (Administration) of the management and filed certain documents.

5. I have heard Shri A. K. Shashi, Advocate the learned counsel for the management. I could not get an opportunity of hearing either the workman in person or his counsel as no body was present before this tribunal for workman/Union on the date the case was fixed for argument. Written arguments of both the parties are on record.

6. I have very carefully gone through the entire evidence on record and considered the argument of both the parties.

7. As per averment of the workman/Union in the statement of claim, the workman was appointed as General Mazdoor Category-I w.e.f. 19-9-72. But in the Written Statement of the management, it has been pleaded that the workman was appointed on 4-9-72. The above averment in the statement of claim and the above pleading of the management is not material for giving finding in this reference case. It has been admitted to both the parties that the workman was made dumper operator (trainee) on 1-1-75, he was promoted to the post of dumper operator Grade-I in the year 1978. A departmental enquiry was conducted for the charge of theft against the workman in the year 1982, based on the proved misconduct in the DE, the workman was served with punishment of reversion to the post of dumper operator Grade-II w.e.f. 27-5-83, and

thereafter on recommendation of the departmental promotion committee, he was absorbed/upgraded the post of Dumper Operator Grade- I w.e.f. 27-5-85. It has been pleaded by the management that due to some mistake, the said office order was issued absorbing/upgrading the workman to the post of Dumper Operator Grade-I w.e.f. 27-5-85, which was revoked by the Competent Authority vide order dated 8-1-89. It has been submitted on behalf of the workman in the written statement that during the relevant period for consideration of his claim for promotion to the higher post i.e. during the period of 1984-85 and 1986, his ACRs have been positive and there was no reason what-so-ever not to promote him. He was accordingly rightly promoted vide order dated 9-10-88. It has been further submitted by the workman that the relevant ACRs report of performance for the period April 1984-85 & 1986 are already on record, the over all grading or rating of the workman is good and the Reviewing Officer has agreed to it, hence it was incorrect to say that the promotion was given to the workman by mistake.

8. Against the above, it has been submitted by the learned counsel for the management that the conduct of the workman was not satisfactory from the beginning, he was in the habit of taking law in his hand and had committed major misconduct on several occasions for which he was punished. It is to be noted here that management's witnesses Shri Lalta Choubey and Shri O.P.N.Sinha in their deposition has narrated about the various chargesheets issued to the workman during the period 1982 to 1988. It is to be noted here that management's witness Shri O. P. N. Sinha has not been cross examined on behalf of the workman/Union. The order dated 27-8-01 on the ordersheet of this reference reveals that the learned counsel for the workman did not want to cross examine the management's witness Shri Sinha in the light of evidence of management witness Shri S.N.Choubey. In this manner, the affidavit filed by Shri O.P.N.Sinha, management's witness is uncontroverted and unchallenged. Therefore it should be read in evidence as it is. This affidavit proves that during the period 1982 to 1988, the workman was issued with charge sheet several times for misconduct and was punished. During the evidence of cross examination, workman Shri Subhash Rai admitted that in the year 1982 he was charged for theft and after departmental enquiry, he was reverted to the Dumper Operator Grade-II. He further admitted that in the year 1986, a chargesheet was issued to him for obstructing the other workers from attending their duty. He also admitted that in the year 1987, he was issued with a chargesheet for forcibly and unauthorisedly breaking/opening the lock of miner quarter. Not only the above, the workman also admitted in his evidence of cross examination that in the year 1988, he was issued chargesheet for instigating 3rd shift operators' to stop work and in the end he admitted that on 28-8-87, he was declared persona-non-grata vide order of the management for giving threats to

the officers. Thus it is very well established from the unchallenged and uncontroverted testimony of Shri O.P.N.Sinha and Shri Lalta Choubey and the above evidence of cross examination of workman that he was issued a charge sheet No. 37-44 dated 18-7-82 on the charge of theft, a departmental enquiry was conducted against the said charge, based on the proved misconduct in the DE, the workman was served with punishment order No. 6957-65 dated 26th May, 1983 and the punishment of reversion to the post of Dumper Operator Grade-II was awarded, he was Served with a chargesheet No. 2001 dated 16-9-86 for obstructing worker from attending their duties on 14-9-86 and he also did not attend duty though he was chartered on that Sunday due to which production loss occurred, and therefore he was placed under suspension, he was again served with a charge sheet No. 294 dated 28-8-87 for forcibly and unauthorisedly breaking open the lock of Miner's Quarter No. 235 which was previously allotted to workers recreation club, which was subsequently allotted for consumers co-operative store, Amlohri, he was again served with charge sheet No. 132 dated 10-1-88 for instigating IIIrd shift operators on 9-1-88 to stop work which resulted in production loss of 8500 cum overburden about 600 M/T of coal for which he was served with punishment of confirming the period of suspension for the period from 11-1-88 to 16-1-88 (excluding Sundays) for the proved misconduct of habitual indiscipline and committing misconduct on different occasions and he was declared persona-non-grata vide office order No. GM/AML/279 dated 2-8-87 for giving threats to officers. Thus it is fully established from the evidence on record that the conduct of the workman was not satisfactory, he was in the habit of taking law in his hand and had committed major misconduct on several occasions for which he was punished. It is for the above reason that by an office mistake, the approval of the competent authority was sought for promotion of the workman based on the recommendation of the DPC. When this mistake came to the knowledge of the competent authority, the order was revoked vide office order No. 2539 dated 8-1-89.

9. It has been submitted by the learned counsel for the management that the recommendation of DPC are subject to approval by the Competent authority and it is not necessary that the recommendation of DPC should be accepted in toto. It is well within the powers of the Competent Authority to accept or to reject the DPC proceedings and therefore in the instant case, the Competent Authority in exercising the powers vested in him did not find the workman fit for Promotion to the next higher grade, considering the various misconducts committed by him from time to time. It has been submitted for the workman in the written argument that prior to revoking the order of his promotion, he was not given any notice of being heard. Against it, it has been submitted by the learned counsel for the management that the order of

absorption/upgradation was issued by mistake and there was no question of giving any opportunity. He submitted that there was no violation of norms for promotion/absorption. He emphasized that the promotion is the management's function and it is not the function of the tribunal to consider the merits or demerits of the various employees itself and then decide whom to promote and whom not to promote. In this respect, he placed reliance on *Broke Bond India Pvt. Ltd. versus their workman* reported in AIR 1966-SC-668. I have gone through the law cited above. The following has been held therein :—

"Generally speaking promotion is a management function but it may be recognized that there may be occasions when a tribunal may have to interfere with promotions made by the management where it is felt that person superseded have been so superseded on account of malafides or victimization. Even so after a finding of malafides or victimization, it is not the function of a tribunal to consider the merits of various employees itself and then decide whom to promote or whom not to promote. If it finds that promotions have been made which are unjustified on the ground of malafides or of victimization, the proper course for it to take is to set aside the promotions and ask the management to consider the cases of superseded employees and decide for itself whom to promote, except of course the person whose promotion has been set aside by the tribunal".

Having considered the facts and circumstances of the case, I am of the considered opinion that it is not a case wherein the workman has been victimised. The management after having considered that the workman had committed major misconduct on several occasions for which he was punished has rectified the order issued by the office mistake for promotion/upgradation of the workman with retrospective effect.

10. The workman's case for upgradation/promotion is not made out only on the ground that he operated high capacity dumpers. It has come in the evidence of management's witness Shri Lalta Choubey and Shri O.P.N. Sinha that the workman was paid difference of wages whenever he was asked to operate high capacity dumpers and driving of high capacity dumpers does not make him eligible for promotion. Both the above witnesses have specifically denied that the workman worked as pit operator. Both of them attracted the attention of this tribunal towards order No. DGM(M)/AMI/90 (Exhibit M/15) and deposed that the said order is specific. According to their testimony, the workman was not assigned the duties of pit supervisor. In the aforesaid order, it was clearly stated that the workman will not be eligible for claim to the post of Pit Supervisor. It has also been submitted by the learned counsel for the management that the claim for the post of

Pit Supervisor is beyond the scope or order of reference. I am of the considered opinion that the claim for the post of Pit Supervisor by the workman is beyond the scope of order of reference.

11. It is clear from the further evidence on record that the workman has been given due promotions since the year 1990 till date.

12. In view of the facts discussed above, it is hereby held that the action of the General Manager Amlohri Project of NCL in revoking absorption/upgradation order dated 9-10-88 by which Shri Subhash Rai, Dumper Operator Grade-II was bonafide as legal and justified and consequently he is not entitled to any relief. The parties shall bear their own costs of this reference. The reference is decided accordingly.

13. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 20 दिसम्बर, 2006

का.आ. 110.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्डिनैस फैक्टरी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (संदर्भ संख्या सी जी आई टी/एल सी आर 70/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-12-2006 को प्राप्त हुआ था।

[सं. एल-14011/11/1994-आई आर(डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 20th December, 2006

S.O. 110.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/70/96) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure in the industrial dispute between the management of Ordnance Factory and their workman, which was received by the Central Government on 20-12-2006.

[No. I-14011-11-1994-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/70/96

Shri C. M. Singh, Presiding Officer

Shri Raghuvir Singh Chhonkar,

Qr. No. 2229/II, Ordnance Factory,

Itarsi

:

... Workman

Versus

The General Manager,
Ordnance Factory,
Itarsi

: ... Management

AWARD

Passed on this 1st day of December, 2006

1. The Government of India, Ministry of Labour *vide* its Notification No.I-140 11/11/94-IR(DU) dated 26-2-96 has referred the following dispute for adjudication by this tribunal:

“Whether the action of the management of Ordnance Factory, Itarsi in imposing the penalty of a reduction in pay by two stages from Rs.1530 to Rs. 1470 per month in Pay Scale of Rs.1200-30-1560-EB-40-2040 for a period of one year on Shri R. S. Chhonkar, Supervisor (NT), Y and E Section, Ordnance Factory, Itarsi w.e.f. 11-7-94 as well as stoppage of this increment during the penalty period is justified? If not, what relief the workman is entitle to?”

2. The case of workman Shri R.S.Chhonkar in brief is as follows. That he was President of Ordnance Factory, Itarsi Branch of Ayudh Nirmani Karmachari Sangh Union. He had sought for permission from the General Manager, Ordnance Factory, Itarsi for holding a gate meeting at 4.30 pm (i.e. after duty hours) on 16-11-92 in order to introduce and convey the message of the All India Federation Level leaders of Bhartiya Pratiraksha Mazdoor Sangh (BPMS) who had arrived to take part in a steering committee organised by the Union. The permission for holding the gate meeting was not refused by the office of the General Manager, Ordnance Factory, Itarsi. Accordingly the gate meeting was organised and held and the federation leaders were introduced before the workers by the workman as he was on sanctioned leave on that particular day and had acted in the capacity of the then President of the Union. Immediately after the departure of the federation leaders, a charge sheet, with multiple false and fabricated allegations was issued to the workman on 17-12-92. On refusal of the charges in writing by the workman, a court of enquiry under Rule-14 of CCS(CCA) Rules, 1965 was instituted against him which continued for a period of 9 months from 6-4-93 to 24-1-94. During the course of enquiry, the workman's Union raised the dispute under the I.D.Act, 1947 with ALC(C), Bhopal. That it is duly esteemed constitution of India which confers right on the office bearer of the Union to hold gate meetings as and when necessitated and therefore the cause of issuing the chargesheet is unfounded and baseless. The authorities cannot restrain or barricade the Union from holding such meetings. The charge sheet was illegal as it was not signed by the appointing authority himself. Infact the chargesheet was signed only by that officer who was criticized by the workman in the said gate meeting on 16-11-92. The officer who was appointed as Enquiry Officer was working under the officer who had

signed the chargesheet. Obviously there was an abstract domination by the criticized officer on the Enquiry Officer. The charges framed against the workman were based on completely vague documents which were not signed by anyone, unauthenticated, overwritten and prepared by way of arranging different portions of reports. The copy of necessary documents asked for were not issued by the Enquiry Officer to the workman which deprived the workman of the reasonable opportunity of defending this case. The Disciplinary Authority was biased against the workman. Though a date of hearing was fixed 12-7-94 for conciliation by ALC(C), Bhopal, the disciplinary authority under dilemma and fear of probable dilution of the allegation/charges imposed the penalty on the workman for reduction of pay by two stages from 1530-1470 for a period of one year with cumulative effect *vide* order dated 11-7-94. It is worthwhile to be noted here that while the date of conciliation/hearing was fixed on 12-7-94, the penalty was imposed on the workman just one day before i.e. on 11-7-94 prior to appearing before the ALC(C) Bhopal and taking part in the conciliation. This haste itself is a proof of the prejudiced and vindictive attitude of the Disciplinary Authority and clear violation of the labour laws as the penalty has been ordered during the pendency of the conciliation proceedings and thus the injustice has been done to the workman.

3. The management in order to contest the reference filed their Written Statement. Their case in brief is as follows. That Shri R.S.Chhonkar has committed grave misconduct of organising unauthorised meeting, mislead the factory employees while delivering speech, spoke ill of an officer etc. in his personal capacity. Hence disciplinary action was taken against him and the penalty of reduction in pay by two stages from Rs.1530 to Rs.1470 in the time scale of Rs.1200-30-1560-EB-40-2040 for a period of one year with cumulative effect *vide* order dated 11-7-94 was imposed on him. Regarding stoppage of increment during the penalty period as mentioned in the schedule of reference order of Ministry of Labour, it is submitted that this is not a separate penalty but a consequential effect of implementation of the penalty of reduction in pay with cumulative effect which is a major penalty. That Union named Ayudh Nirmani Karmachari Sangh, an unrecognised Union of Ordnance Factory, Itarsi affiliated to B.M.S (here-in-after referred as Union) intimated *vide* their letter dated 3-11-92 that they were holding a steering Committee meeting of their Union on 15-11-92 and 16-11-92 inviting their representatives from different parts of the country. They also informed that their representatives would include MPs and other outsiders. They have requested the following for the aforesaid purpose *vide* their above letter :—

- a. To spare staff club for Steering Committee meeting ;
- b. To provide vehicles for transportation of their Chief Office bearers on 14-11-92 ;

- c. To provide accomodation at Ordnance Factory Guest House for their Chief Office—bearers.
- d. To give time for discussion on 15-11-1992 or 16-11-1992, and
- e. To accord permission for holding Gate meeting on 16-11-1992 at 4.30 pm.

Their request from (a) to (d) above was given due consideration by the management and necessary arrangements to spare staff club for meeting, to provide transport and accomodation to their chief office bearers etc. were made and there was no complaint about this from the aforesaid Union. Further, a meeting with the General Manager was also arranged on 16-11-92 at 15.00 hours at Inspection Bungalow and there was discussion with the Members of their Central Unit (Mahasangh Bhartiya Pratiraksha Mazdoor Sangh) in which the members of the aforesaid Union were also present. This meeting was very cordial wherein views of management as well as Unions were exchanged on various general issues. As already mentioned above, the Union had intimated *vide* their letter dated 3-11-92 that outsiders including political leaders would also participate in the meeting. Normally no outsiders and political leaders are allowed to deliver speech at the factory main gate on security grounds. Hence the management decided not to permit holding such meetings in front of the factory main gate during mustering out of the employees at 4.30 pm. In fact when the members of the said Union met the General Manager in the morning on 13-11-92, the General Manager expressed his inability to give permission for holding the meetings in front of factory main gate owing to security reasons and requested them to consider to hold the said meeting in the Workmen club (Satpura Club) premises in the factory estate area for which the Union Executives had readily agreed. It is pointed out that the factory was limping to normalcy after the strike of 45 days and under such circumstances it was considered that any gate meeting wherein any provocative speeches are likely to be delivered would result in industrial unrest in the factory, and consequent loss in Defence production. This apprehension of the management was explained to the Union and other Federation members by the General Manager, who had appreciated the same and agreed to hold the meeting elsewhere. Accordingly, a letter bearing No. 1236 (2) ANKS/OFI dated 13-11-1992 was issued to the said Union permitting them to hold their meeting at the premises of workmen club (Satpura Club) in the Factory Estate area on 16-11-1992 at 16.30 hours. This letter was received by Shri R. S. Chhonkar, the then President of the aforesaid Union on 14-11-1992. Although no permission was given for holding the meeting at the Main gate of the factory, it was noticed by the Security Staff on 16-11-1992 that a meeting was being organised by some factory employees under the leadership of the said Shri R. S. Chhonkar. Shri Chhonkar was found organising the said meeting in utter disregard to the decision of the

management of which he was fully aware of. Shri R. S. Chhonkar not only unauthorisely organised the said meeting on the factory main gate but also delivered speech uttering a lot of false, wrong and baseless information about the factory management. He also spoke ill of a factory officer in utter disregard to all decency and decorum. The above activities of the workman Shri R. S. Chhonkar were quite unbecoming of a Government servant. Hence, the Disciplinary Authority decided to take disciplinary action against him. Accordingly he was charge sheeted under Rule-14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 *vide* charge memo No. 1258/143/VIG/CS/92/OFI dated 21-11-1992 for Gross misconduct - (i) Organising unauthorised Gate meeting, (ii) Delivering speech in unauthorised Gate meeting (iii) Making false allegations against a senior officer of the factory in an unauthorised gate meeting (iv) Misguiding the factory employees and (v) conduct unbecoming of a Government servant.

Workman Shri R. S. Chhonkar did not reply to the said chargesheet within the stipulated time and in order to give him adequate opportunity, the Disciplinary Authority constituted a court of enquiry *vide* order dated 6-1-93 to enquire into the matter. However his Written Statement of defence dated 28-12-1992 was received by the Disciplinary Authority after constitution of the enquiry. The Enquiry Officer conducted the enquiry strictly following the procedure laid down in CCS(CC&A) Rules, 1965 and submitted findings on 31-3-94. All the charges framed against the said Shri Chhonkar were found established by the Enquiry Officer. The copy of the enquiry report was forwarded to the workman Shri R. S. Chhonkar *vide* memorandum dated 5-5-94 for his information and submitting representations, if any, within a period of 15 days. Although he received the said momorandum along with enquiry report on 25-5-94, he did not submit any representation. Instead, he asked for a Hindi version of the Enquiry Report which was also provided to him on 13-6-94 and he was again asked to submit his representation, if any, within a period of 7 days. But, instead of submitting any representation, the workman filed a petition before the Central Administrative Tribunal, Jabalpur *vide* OA No.333 of 1994 praying for quashing the chargesheet of Enquiry Report. The Honourable tribunal directed *vide* order dated 16-6-94 not to pass any final order in the disciplinary case till the disposal of aforesaid OA. Thereafter the Honourable tribunal *vide* its oral judgement dated 1-7-94 declined to admit the said OA. The Disciplinary Authority decided the case considering all the relevant documents pertaining to the case with reference to the enquiry report and imposed the penalty as mentioned above. The workman filed an appeal before the Appellate Authority *vide* his appeal dated 3-8-94 which has been rejected by the Appellate Authority being meritless *vide* order No. 10740 /A/VIG dated 21-4-1995. In view of the facts mentioned above, the workman is not entitled to any relief.

4. My learned predecessor in office vide order dated 23-8-99 recorded his finding on preliminary issue that it is decided that the procedure followed in the DE is proper, valid and legal and thus he decided the preliminary issue in favour of the management and against the workman. The findings shall form the part of the award.

5. I have heard workman Shri R. S. Chhonkar in person and Shri S. K. Mishra, Joint General Manager (Admn.) for the management. I have very carefully gone through the record of the reference case. It has been submitted by the workman in person that the penalty imposed on him is disproportionate to the misconduct. He specifically submitted that a lesser punishment in lieu of penalty imposed should have been given by the management for his act of misconduct. Against the above, it has been submitted on behalf of the management that the penalty imposed on the workman is commensurated with the gravity of offence since the offence committed by him is grave in nature. It has been further submitted on behalf of the management that the fact of organising meeting at main gate of the factory unauthorisely by workman and delivering speech in the said gate meeting is undisputed and therefore before imposing the penalty on him, the Disciplinary Authority considered all documents pertaining to the case and also the evidence of witnesses as well as the enquiry report and held the workman guilty of the charges. That the Disciplinary Authority, therefore, imposed the penalty of reduction of pay by two stages for a period of one year with cumulative effect. The disciplinary action taken against the workman is strictly following the procedure laid down in statutory rules and is perfectly legal. It has been emphasized on behalf of the management that the penalty imposed is also commensurated with gravity of offence and hence the workman is not entitled to get any relief. Having considered the facts and circumstances of the case, I am of the considered opinion that adequate penalty has been imposed on the workman for his proven act of misconduct and he is not entitled for lesser punishment than that imposed by the Disciplinary Authority by way of penalty.

6. In view of the above, I am of the considered opinion that the award be passed in favour of the management and against the workman, but considering the circumstances of the case, I am of the view that the parties should be directed to bear their own costs of this reference. Consequently the award is passed in favour of management and against the workman holding that the action of the management of Ordnance Factory, I tarsi in imposing the penalty of a reduction in pay by two stages from Rs. 1530 to Rs. 1470 per month in Pay Scale of Rs. 1200-30-1560-EB-40-2040 for a period of one year on Shri R. S. Chhonkar, Supervisor (NT), Y & E Section, Ordnance Factory, I tarsi w.e.f. 11-7-94 as well as stoppage of his increment during the penalty period is justified and he is not entitled to any relief. The parties shall bear their own costs of this reference.

7. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

C. M. SINGH, Presiding Officer

नई दिल्ली, 20 दिसम्बर, 2006

का.आ. 111.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में सैनिक स्कूल, कोरुकोंडा के प्रबंधन के संबद्ध नियाजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या एल सी आई डी-117/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-12-2006 को प्राप्त हुआ था।

[सं. एल-14025/2/2006-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 20th December, 2006

S.O. 111.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LCID 117/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Sainik School, Korukonda and their workman, which was received by the Central Government on 20-12-2006.

[No. L-14025/2/2006-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD**

PRESENT

Shri T. Ramachandra Reddy, Presiding Officer

Dated the 7th October, 2005

Industrial Dispute L. C. I. D. No. 117/2004

BETWEEN

N. Venkata Rao

S/o Lakshmayya (late)

R/o D. No. 8-18-828,

Ganesh Nagar,

V. T. Agraharam, Vizianagaram.

.....Petitioner

And

1. The Local Board Chairman & Flag Officer
Command in Chief
M/s. Sainik School, Korukonda,
Eastern Naval Command,
Naval Headquarters,
Visakhapatnam.
2. The Principal,
M/s. Sainik School,
Korukonda,
Vizianagaram Mandal & District.

3. The Honorary Secretary,
Ministry of Defence,
Sainik Schools Society,
Room No. 222-A, South Block Sena Bhavan,
New Delhi.Respondents

APPEARANCES

For the Petitioner : Sontyana Mohana Rao, Advocate

For the Respondent : N. Shiva Raj Kumar, Advocate

AWARD

This is a case taken under Sec. 2 A(2) of the I. D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W. P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. This is a petition filed by Sri E. Venkata Rao who worked as a mason in Sainik School, Korukonda, at Vizianagaram against M/s Sainik School Korukonda represented by its local Board Chairman. Flag Officer, Command in Chief, Eastern Naval, Visakhapatnam as R1. Sainik School represented by the Principal at Vizianagaram District as R2, the Ministry of Defence of India represented by the honorary Secretary, Sainik School Society at New Delhi as R3 under Section 2 (A) 2 of the ID Act alleging that he worked as a Sapper in MEG. Bangalore in Military Services for a period of 16 years and that after retirement, he joined as a Mason (General Employee) on 28-8-1981. During the course of his employment, he fell down from certain height of front gate of the school and sustained leg injury on 3-7-1991 and he was admitted in the district head quarter hospital, MR. Hospital at Visakhapatnam as In-Patient on 3-7-1991 and treated till 6-10-1991. During the treatment, steel rod was inserted to left leg. The principal of the second respondent changed his duties from Mason to Watchman on account of injuries and that he worked to the utmost satisfaction of his superior officers and that he was awarded two times best worker award. It is further, submitted that he was received a notice dated 12-5-1999 from second respondent stating that his service would be terminated w.e.f. 8-8-1999 by giving 3 months notice. The petitioner requested for extension of his services by submitting letters dated 8-8-1999 and 10-8-2001 and transfer him to other duty like Officeboy, Cleaner or Bearer. But his request was not considered. He approached the Hon'ble High Court of Andhra Pradesh by filing a Writ Petition No. 151514/99 dated 28-7-1999 and obtained interim stay order. In view of the stay orders, the second respondent extended his services by letter dated 31-8-1999. Subsequently the petitioner received a dated 18-8-2001 from the second respondent terminating his services w. e. f. 18-8-2001 on ground that the interim stay order granted by the Hon'ble High Court was vacated by order dated 31-7-2001. It is further, submitted that on 11-5-1999, the petitioner was asked to go along with the other students for medical examination of the students and that he was not informed that he will be subjected to medical test at INA Kalyani Hospital. The fitness certificate filed by the petitioner issued

by the hospital where he was treated taken was not considered by the second respondent. The doctors at INA Kalyani Hospital issued a medical certificate stating that he is unfit for services under the influence of the second respondent. It is further, submitted that the management has not opted for shifting the petitioner to any other duty that he is in a position to discharge the duties as general employee in other categories and that he sought the relief for direction to the respondents to reinstate him with backwages from 18-8-2001 with continuity of service and other benefits with interest at the 18% per annum.

3. The second respondent filed the counter and denied the averments made in the petition and the other respondent i. e. R1 & R3 filed a Memo adopting the counter. It is further, admitted that the petitioner was appointed as a Mason in the year 1981 and that he fell down accidentally on 13-7-1991 from certain height of front gate of the school and sustained injury on his left leg and he was immediately taken to district hospital and subsequently shifted to INH Kalyani Hospital. The petitioner is unable to do mason duties and he was declared medically unfit after extension of his services beyond 55 years by the School Medical Officer of INH Kalyani Hospital Visakhapatnam. It is further, submitted as per rule 5 of Sainik Schools Society rules and regulations, the retirement age of the administration staff and general employees in 55 years. However, they can put him in service after 55 years of age subject to the following conditions : (a) The principal satisfies himself every year regarding the efficient performance of service by the staff and (b) the medical fitness as certified by the School Medical Officer. It is further, submitted that the petitioner became disable and he was given duties of watchman with the same pay scale of the Mason. The second respondent issued notice dated 2-5-1999 stating that as per the rule 2.50 Sainik School Society Rules and Regulations, the retirement age is 55 years for general employee. However, the extension of services can be granted upto 60 years subject to the medical fitness and efficient performance every year and the extension of service beyond 55 years is not applicable to the petitioner as he was declared medically unfit. It is further, admitted that the filing of the Writ Petition by the petitioners and obtaining the interim stay order and the services of the petitioner was extended in view of the Interim stay order of Hon'ble High Court. It is also admitted that on account of the vacation of the stay orders on 31-7-2001, the petitioner was removed on attaining the age of superannuation. It is also not disputed that the petitioner preferred a Writ Appeal against the vacation of the interim stay order and the same was dismissed.

4. The petitioner filed a rejoinder to the counter filed by the second respondent with the same averments made in the petition. The petitioner examined himself as WW 1 besides examining L. V. Suryanarayan as WW2 and got marked the documents as Ex. W1 to W 8. As against this evidence, the second respondent principal was examined as MW 1 and got marked the documents as Ex. M1 to M7. The petitioner has reiterated the averments made in the

petition. WW2 was retired as UDC of second respondent and secretary of the pensioners welfare association and he stated that the petitioner was removed without following the procedure.

5. The petitioner after receiving 3 months notice from the second respondent that the respondent refused to extend his services beyond 55 years and retiring him w. e. f. 1-8-99 as per the rule 5.30 of Sainik School Societies rules and regulations, the petitioner has approached the Hon'ble High Court of Andhra Pradesh and obtained Interim Stay Order in WP. No. 15514/1999 that he is not liable for retirement till 31-8-1999 being the month when he is completing 55 years of age. Subsequently the Interim Stay Order was extended till further orders. Subsequently on a petition filed by the second respondent for vacation of this stay order in WVMP. No. 856 of 2001 in WP. No. 15514 of 1999. The Interim Stay granted was vacated on 31-7-2001. Writ Appeal No. 1280 of 2001 preferred against the vacation of the Interim Stay Order was also dismissed. In view of the vacation of the stay order, the services of the petitioner was terminated w. e. f. 18-8-2001 (Ex. W6).

6. The Learned Counsel for the petitioner contended that the petitioner became disable on account of accidental fall in the course of his employment and that he is entitled for providing alternative job and further contended that when the petitioner is able to do other job such as watchman or weighter or Cleaner, the respondent has to transfer to that post by extending his services and the termination of the petitioner by retrenchment is illegal or arbitrary.

7. On the other hand, the Learned Counsel for the respondent contended that in view of the rules and regulations of the Sainik School, the worker or employee who is fit at the time of joining the services, will be continued in services beyond 55 years subject to medical fitness and further pointed that the normal age of retirement is only 55 years and the same will be extended upto 60 years subject to the satisfaction of the performance every year and medical fitness. In the present case, the petitioner was found to be medically unfit, as such, the management has retired the petitioner on attaining the superannuation at the age of 55 years by refusing to give extension and it is further contended that the provision 2(A)2 of ID Act, the petitioner/workman before raising the dispute has to approach the concerned authorities for conciliation and failing which he has to approach the Industrial Tribunal and further contended that the petition under section 2(A)2 of ID Act is not maintainable under law, since the petitioner was not dismissed, discharged or retrenched. But he was only superannuated from his services on attaining the age of 55 years.

8. The notice issued by the second respondent dated 12-5-1999 Ex. W4 discloses that it was issued under rule 5.30 of Sainik School Society rules and regulations stating that the retirement age is 55 years for general employees and it can be extended only on certain conditions by the respondent. As he was found medically unfit, this 3 months notice was issued retiring the petitioner on attaining the

superannuation of 55 years. The petitioner who has to retire by 18-8-1999 was continued for service for 2 more years in view of the Interim Stay Orders obtained by the Hon'ble High Court. The said rule shows that the petitioner has no absolute right for extension of his services beyond 55 years. The said provision clearly shows that the extension will be only subject to the condition of the medical fitness declared by the School Medical Officer. Admittedly, the petitioner was declared as unfit for employment by the School authorities and INS Kalyani hospital. Therefore the petitioner cannot claim a right for extension of his services and further it should be noted that the termination of the petitioner services, it is not that of dismissal or discharged or retrenchment. He admitted in his evidence that he was getting pension every month. The notice also disclose that he attains the age of superannuation on completion of 55 years of age. Since impugned order is not a dismissal or discharged or retrenchment order, the provision 2(A)2 of ID Act is not applicable. As such, the petition filed by the petitioner is not maintainable. Under the definition 2 (O) (O) of ID Act, retrenchment means the termination by the employer of the services of a workman for any reason what-so-ever but does not include retirement of workman on reaching the age of superannuation. Therefore, it cannot be said that the petitioner was retrenched.

9. In view of the circumstances, the petition is dismissed under the circumstances without cost. An award is passed accordingly.

Dictated to Shri P. Kanaka Raju, LDC transcribed by him, corrected by me and given under my hand and seal of this Court on this the 7th day of October, 2005.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
WW1 : WW2	WW1

Documents marked for the petitioner

Ex. W 1 :	Appointment order
Ex. W 2 :	Certificate
Ex. W 3 :	Certificate issued by the Principal
Ex. W 4 :	Notice
Ex. W 5 :	Lr. of the said Principal
Ex. W 6 :	Letter dated 18-8-2001 by the Principal
Ex. W 7 :	Order of High Court dated 28-7-1999
Ex. W 8 :	Another Order dated 27-8-1999.

Documents marked for the Respondent

Ex. M1 :	Rules and Regulations of Sainik School Society
Ex. M2 :	Medical Case Sheet
Ex. M3 :	Order of the Hon'ble High Court in WP. No. 15514/1999 dated 28-7-1999

- Ex. M4: Order of the Hon'ble High Court in WP. No. 15514/1999 dated 28-7-1999
- Ex. M5: Order in WPMP. No. 19141/99 in WP. No. 15514/99 dated 15-10-1999
- Ex. M6: Stay vacating order in WP. No. 15514/99 and MVMP. 856/2001 dated 21-7-2001
- Ex. M7: Copy of the order in Writ Appeal No. 1280/2001.

नई दिल्ली, 22 दिसम्बर, 2006

का.आ. 112.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फेडरल बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण इरनाकुलम के पंचाट (संदर्भ संख्या 22/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-2006 को प्राप्त हुआ था।

[सं. एल-12012/153/03-आई आर (बी.-I)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd December, 2006

S.O. 112.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 22/2006) of the Central Government Industrial Tribunal/Labour Court, Ernakulam now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Federal Bank Ltd. and their workmen, which was received by the Central Government on 21-12-2006.

[No. I-12012/153/03-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM PRESENT

Shri P.L. Norbert, B.A., L.L.B., Presiding Officer

(Monday the 4th day of December, 2006/13th
Agrahayana, 1928)

I.D. 22/2006

(I.D 40/2003 of Labour Court, Ernakulam)

- | | |
|---------------|--|
| Workman/Union | The General Secretary,
Federal Bank Employees Union,
P. B. No. 10,
Aluva-683101.

Adv. Shri C. Anil Kumar |
| Management | The Chairman,
Federal Bank Ltd.,
Head Office,
Aluva-683101.

Adv. M/s B. S. Krishnan Associates. |

AWARD

This is a reference made by Central Government under Section 10 (1) (d) of Industrial Disputes Act, 1947 for adjudication. The reference is :—

“Whether the punishment of dismissal imposed by the management of Federal Bank Ltd., to Smt. Kanniammal is justified and proportionate to the alleged misconduct? If not, what relief the applicant is entitled to?”

2. The facts of the case in brief are as follows :

Smt. Kanniammal was a part-time sweeper in the Head Office of Federal Bank at Aluva (Alwaye). She was charge-sheeted on 1-5-2002 and 9-3-2004 for drunkenness while on duty, unauthorized absence and skulking duty after reporting for duty. A domestic enquiry was conducted in which she was found guilty of all the charges. The Disciplinary Authority imposed a punishment of dismissal. According to the worker the allegations are untrue. She had discharged her duties promptly and correctly. She was never drunk during office hours. Since she was illiterate she had to seek the help of somebody else to submit applications. Thus if at all there was some delay on some occasions it was not deliberate or willful. There was no occasion of leaving the bank before duty hours. The entire disciplinary action is to wreck vengeance for not attending to the personal work of some of the officers of the bank. The enquiry officer was a loyal officer of the management. The principles of natural justice were not followed by the enquiry officer. The Disciplinary Authority has not properly considered the evidence in enquiry. He has not taken into account the family background of the worker while imposing the punishment. The punishment is shockingly disproportionate to the charges.

3. According to the management the worker was found intoxicated and lying unconscious on the 6th floor of the bank on 19-11-2001 at 9.00 A.M. She was taken to the nearby hospital and medically examined. Her blood was sent for test. As per medical report she had consumed alcohol. She was in the habit of consuming alcohol before coming to office. She was in the habit of remaining absent unauthorizedly on many occasions. Instructions to be regular for duty fell on deaf ears. The enquiry officer had given ample opportunity to the worker to participate in the disciplinary proceedings. The management witnesses were cross-examined. The worker was given chance to adduce evidence. However she did not choose to adduce evidence or submit any argument note. The enquiry officer has complied with principles of natural justice. The Disciplinary Authority afforded opportunity of hearing the worker regarding the proposed punishment. The punishment imposed is in proportion to the misconduct of attending the bank in an intoxicated state. The conduct of the worker does not deserve any leniency in the matter of punishment.

4. Though validity of enquiry was questioned in the claim statement, at the time of hearing the learned counsel for the worker fairly conceded regarding compliance of

principles of natural justice and fair play, but only insisted to consider the perversity of finding and quantum of punishment. Both sides did not want further opportunity to adduce more evidence.

5. In the light of the above contentions and the submissions of counsel on both sides the following points arise for consideration:

- (1) Is the finding perverse?
- (2) Is the punishment proportionate?

The evidence consists of oral testimony of MW 1 and Ext. M 1 enquiry file on the side of management.

6. Point No. (1):

The worker was a part-time sweeper of Federal Bank's Head Office. The main allegation against her is that she was found drunk on 19.11.2001 at about 9.00 a.m. She was found by Shri M.S. Varghese, Manager (Admn.) of P&OA Department in an unconscious state lying on the 6th floor of the bank. He informed the matter to Shri Ajit Lal K., another Manager (Admn.) of P&OA Department who was in charge of part-time sweepers at Head Office (MW2). The matter was informed to the Chief Manager and then the worker was taken to the nearby hospital and was medically examined. Her blood was taken and sent to laboratory for test. Thereafter Ext. MW18 medical certificate and Ext. MW19 blood test report were given from the hospital to the bank. Ext. ME 18 certificate was to the effect that Blood -serum alcohol estimation was 85 mg/dl, which is described as sub clinical intoxication. The doctor opined that the worker had consumed alcohol, but she showed only sub clinical intoxication. Ext. ME 19 is report from Endocrinology & Immunology Lab., Ernakulam. The report is:

“ALCOHOL : 85 mg/dl. NORMAL RANGE
Subclinical intoxication <100
Gross intoxication 100 -200
Stupor >300”

Exts. ME 16 & 17 are reports of MW2 to the Chief Manager regarding the drunken conduct of the worker and the fact of subjecting the worker to medical examination. On the basis of the evidence of MW2, Manager (Admn.) and the documentary evidence referred above, that is, Exts. ME 16, 17, 18 & 19 the enquiry officer came to the conclusion that the worker had consumed alcohol on 19-11-2001 and she was guilty of drunkenness while on duty.

7. According to the learned counsel for the worker the findings regarding drunkenness is perverse. He attacked the finding on the basis of the medical certificate and laboratory report. The medical certificate is that she was in a “sub clinical intoxication” state. As per laboratory report, alcohol content of 85 mg/dl is sub clinical intoxication, which is below 100 mg. If the alcohol content is between 100 - 200 mg/dl it is gross intoxication and more than 300 mg/dl it is called stupor. The Bipartite Settlement of 1966 Clause 19.5 (C) refers to drunkenness or riotous or disorderly or indecent behaviour on the premises of the

bank and it is a gross misconduct, for which any of the punishments mentioned in Clause 19.6 can be imposed.

8. Drunkenness, as per ‘Chambers Dictionary (new edition)’, is ‘intoxication’. Intoxication means, ‘the state of being drunk; high excitement or elation.’ Drunk means ‘intoxicated or saturated.’ As per ‘Concise Oxford English Dictionary (3rd edition)’ drunk (adj.) means ‘affected by alcohol to the extent of losing control of one’s faculties.’ As per ‘Oxford Advanced Learners Dictionary (new edition)’ drunk (adj.) means ‘feeling the effect of alcoholic drink.’ As per ‘Compact Oxford Reference Dictionary’ drunk (adj.) means ‘affected by alcohol to the extent of losing control of oneself.’ Dictionary of Synonyms & Antonyms with Malayalam of Dr. T.S. Girish Kumar (The South India Books Publishers) 3rd edition, 2000, drunk (adj.) means ‘drunken, intoxicated, saturated and tipsy;.....As per English- English-Malayalam Dictionary of T. Ramalingam Pillai (Concise) 74th edition 2000, ‘drunk’(adj.) means ‘intoxicated with alcoholic liquor’;Drunkenness means“.....”

9. Clause 19.5 (c) of 1966 Bipartite Settlement speaks of drunkenness alone and not consumption of alcohol. In other words, a person should be under the influence of liquor or unable to take care of oneself, in order to say that he is drunk. If one has consumed a small quantity of liquor which does not affect his normal pursuit of duty it cannot be considered as drunkenness within the meaning of Clause 19.5 (C) of the settlement. The dictionary meaning referred above shows that it is the state of intoxication that is meant by drunkenness and not mere consumption of liquor. Ext. ME 19 report reveals sub clinical intoxication. As per Chambers Dictionary ‘sub clinical’ “means not sufficiently developed to be detectable by usual clinical methods.” The word ‘sub’ in the sub clinical takes the 4th meaning of ‘sub’ (prefix) as per Chambers Dictionary. It means “almost, partially, nearly, somewhat, imperfectly, bordering on, deviating slightly from.” Going by the medical records what the doctor had found on examination of the worker was that she was not intoxicated, but had consumed alcohol and the quantity was not enough to intoxicate her. If so, that state cannot be called drunkenness. But the finding of the enquiry officer is that the worker was under the influence of liquor on the alleged date and time and so was guilty of drunkenness while on duty. The finding of the enquiry officer cannot be sustained. But there is no doubt that she had consumed some alcohol. Had the parties to the Bipartite Settlement intended that irrespective of the quantity of liquor if mere consumption of alcohol was sufficient to bring it under Clause 19.5 (C) the wording would have been different.

10. The doctor who had examined the worker was not examined before enquiry officer or before this court. MW1 enquiry officer, who was examined before this court, admitted that he does not know the meaning of ‘sub clinical intoxication’. The management did not bother to summon the doctor to explain what was meant by sub clinical

intoxication. The enquiry officer appears to have taken the meaning of drunkenness as consumption of liquor and that is why he has held that the worker was guilty of drunkenness. The worker alleges that it is due to personal vengeance of some of the officers of the bank that the allegation of drunkenness was foisted against her. The officers sometimes wanted her to do personal work of officers which was refused by the worker. Other than the allegation, no attempt was made by the worker to substantiate the allegation. Thus the motive alleged is not proved by the worker. Whatever that be, the finding of enquiry officer, that the worker was drunk while on duty, being perverse, cannot be sustained.

11. The other findings with regard to unauthorized absence and skipping of duty during duty hours are not seriously pursued and there is also no reason to hold that those findings are perverse.

12. Point No. (2) :

I have already mentioned that the finding and punishment with regard to unauthorized absence and bunking duty after reporting for duty are not seriously pursued by the worker. The punishments for these charges are censure (for absence without leave) and stoppage of increment for a period of 6 months (for negligence of work). I have found that the finding with regard to drunkenness is perverse. The management has not been able to substantiate the allegation against the worker with regard to drunkenness. No doubt there can be no better evidence than the medical evidence available in this case. As a result, the punishment of dismissal imposed by the disciplinary authority, cannot be sustained. Assuming that she was drunk while on duty on 19-11-2001 there is no past record of the drinking habit of the worker. In Ext. ME 18 the doctor, while recording the history of the worker, has mentioned that she had admitted to the doctor that she was in the habit of consuming alcohol every day. But the doctor was not examined either before the enquiry officer or before this court. No memo was issued to or action taken against the worker on any other occasion on the allegation of drunkenness or consumption of alcohol. There is no evidence worthy of credence to prove the past drinking habit of the worker. If the incident alleged is a solitary instance, the punishment of dismissal would be disproportionate. The enquiry officer as well as disciplinary authority have not taken into consideration the mitigating circumstances, but merely stated that there are no mitigating circumstances. However the worker had stated to the disciplinary authority, when she was given a hearing regarding proposed punishment, that she had 4 daughters and 2 sons, that one daughter and one son were given in marriage and that 3 daughters and one son were with her. She was the sole bread-winner of the family and she was illiterate. These facts were not properly taken into consideration while imposing the punishment. Being the first incident a lesser punishment would have been sufficient. Since I have found that she is not guilty of drunkenness no punishment on that count can be imposed.

However the other minor punishments shall remain. Point is answered accordingly.

13. In the result, an award is passed finding that the punishment of dismissal imposed by the management on the worker, cannot be justified. The worker is not guilty of drunkenness while on duty. The dismissal therefore is clearly illegal. However the punishment of censure and stoppage of increment for a period of 6 months is to be sustained. The management is directed to reinstate the worker Smt. Kanniammal in service with back wages, but counting punishment of stoppage of one increment for a period of 6 months. No cost. The award will take effect one month after its publication in the official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 4th day of December, 2006.

P. I. NORBERT, Presiding Officer

APPENDIX

Witness for the Union:

WWI-Shri M. A. Thomas

Witness for the Management: Nil.

Exhibits for the Union : Nil.

Exhibits for the Management:

MI— Domestic Enquiry File.

नई दिल्ली, 22 दिसम्बर, 2006

का.आ. 113.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दी सांगली बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, सांगली के पंचाट (संदर्भ संख्या 41/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-2006 को प्राप्त हुआ था।

[सं. एल-12012/276/97-आई आर (बी.-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd December, 2006

S.O. 113.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 41/1998) of the Central Government Industrial Tribunal-cum-Labour Court, Sangli now as shown in the Annexure in the Industrial Dispute between the management of The Sangli Bank Ltd. and their workmen, which was received by the Central Government on 21-12-2006.

[No. I-12012/276/97-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER LABOUR
COURT, AT SANGLI

Ref. (IDA) No. 41/1998

BETWEEN

The General Manager,
The Sangli Bank Ltd.,
Rajawada Chowk, Sangli ...1st Party

And

General Secretary,
Sangli Bank Employee's Union
Sangli Bank Ltd. Sangli ...2nd Party

In the member of
reinstatement with
continuity of service
full back wages

CORAM : Shri M. V. Mornle, Presiding Officer

APPEARANCES

Shri U. J. Chipre, Advocate for 1st Party

Shri M. D. Wagh, Advocate for 2nd Party

AWARD

(Delivered on 29th November, 2006)

The Desk Officer of Government of India, Ministry of Labour has forwarded this reference u/s 10 of I. D. Act 1947 over the dispute as under :

"Whether the action of management of Sangli Bank Ltd. Sangli in dismissing the services of Shri A. D. Kamble. Permanent full time sweeper working at H. O. Sangli w. e. f. 27-1-1996 is legal and justified? If not, to what relief the said workman is entitled".

2. The 2nd party has put forth with his statement of claim as under —

The 2nd party is the registered trade union functioning in the establishment of the first party management. Shri. Anil Dnyandeo Kamble is the member of 2nd party union who was in the employment of 1st party as a full time sweeper. The services of A. D. Kamble were terminated by the 1st party management by issuing the dismissal order to him on 27-1-1996. The dismissal of Kamble being totally illegal and improper the 2nd party union raised the dispute which was not amicably settled only because of attitude of the 1st party management and the matter is referred to this court for adjudication.

3. The member of 2nd party union A. D. Kamble (hereinafter referred as workman) was initially appointed as sweeper on 1-2-1985. He was confirmed in service on 1-8-1998 and he was taken as full time on 1-6-1991. The service record of workman is clean and unblemish during his entire service tenure. The 1st party management with the prejudiced mind issued some memos and warnings so as to spoil his service record. Finally the 1st party management issued the chargesheet to the workman and after conducting the farce of enquiry he is dismissed from service on 27-1-1996.

4. The chargesheet was issued to the workman on 13-1-1995. The allegations against the workman were of unauthorised absenteeism. The enquiry was initiated. The

workman is not highly qualified so as to understand the consequences of admissions of charges. So he admitted. Moreover, the circumstances in which the enquiry started compelled him to admit the charges. So he admitted the charges against him. Moreover, the circumstances in which the enquiry stated compelled him to admit the charges. The workman was not given the opportunity to defend through the union representative in the said enquiry. The fair and proper opportunity was thus denied to the workman and enquiry was ended. In the enquiry, the management examined the witnesses but those witnessed did not support the case of management. The workman being unqualified could not cross-examine the witnesses. Naturally the sweeper could not cross-examine the higher officers of the bank. Thus, the enquiry was empty formality. It is illegal, improper and bad in law. The principles of natural justice are not observed while conducting the enquiry.

5. Even in the illegal enquiry, the charges levelled against the workman were not proved at all. The witnesses did not support the chargesheet. Mere admission which was in the form of submission cannot be accepted as evidence. The enquiry officer relied upon such flimsy evidence and recorded the findings which are baseless and perverse. They are not supported by the evidence on record. The copy of the enquiry report was not supplied to the workman and, therefore, he could not offer any comments upon it. The punishment imposed upon the workman is in the nature of hardship. The punishment of dismissal is maximum possible punishment and does not commensurate with the allegations made in the charge sheet and length of service of the workman. The 1st party management has not considered this issue while imposing the punishment and thus, the dismissal of workman is illegal, unwarranted and unjustified. Therefore, he prayed the dismissal order deserves to be set aside and he be reinstated in service with continuity of service and full back wages.

6. The 1st party has resisted the Statement of Claim of 2nd party by filing its written statement at Ex. C-7 and denied all the allegations made by 2nd party against it. It is contended by it the reference is not maintainable and triable in this court. The court has no jurisdiction to try the present case. It is admitted by it the 2nd party is registered trade union. However, it is claimed that, Anil Dnyandeo Kamble is full member of said 2nd party union. It is contended by it the action of bank dismissing the 2nd party workman from the services of the bank is legal and proper and the allegations of the union and against the bank that the dispute was not amicable settled only because of the attitude of the bank is far from truth and his no weightage at all. It is denied by it the action of dismissal of Shri Kamble is illegal and improper.

7. It is admitted by it the workman Shri Kamble was appointed as a part-time sweeper in the bank on 1-2-1985 and confirmed in the services as a part time sweeper on 1-8-1985. It is admitted by it the workman Shri Kamble was elevated as a full time sweeper or 1-6-1991. However, it is

false to state that the service record of the workman is clean and unblemished during his entire service tenure. It is contended by it on various dates right from September, 1991 till 13-1-1995, Shri Kamble was served with explanation letter, show cause notices and charge sheets for misconducts mainly remaining in absent from duties unauthorisedly from duties and appropriate punishments were awarded to him with an advise to improve to be punctual on his attendance. However, Shri Kamble did not show any improvement in his attitude.

8. It is contended by it the bank was compelled to issue chargesheet and show-cause notice dt. 13-1-1995 to the workman for his habitual and authorised absence from his duties and for his acts of attending duties in drunken state etc. After conducting full fledged domestic enquiry and after observing all the formalities, the workman was awarded punishment of dismissal from the services of the bank w. e. f. 27-1-1996. The 2nd party workman was served a charge-sheet and show-cause notice dt. 13-1-1995 for his acts of remaining absent from duties unauthorisedly not attending duties in time, leaving the place of work before office hours and that too without giving any intimation to higher authorities, not carrying out duties properly and attending the duties in drunken state. It is also contended by it the Enquiry Officer has adhered to the principles of natural justice while conducting the enquiry and the fact that the workman was illiterate was taken into account by the Enquiry Officer. It is denied by it on the part of the union to submit that the 2nd party workman is not qualified to understand the consequences of the admission of the charges. It is denied by it the bank authority compelled to the workman to admit the charges against him. It is contended by it the workman voluntarily admits the charges against him. It is contended by it the Enquiry Officer has got some points clarified to his satisfaction from the management witness as the workman as the workman did not cross-examine them.

9. It is contended by it on completion of the enquiry, the Enquiry Officer has submitted findings of the enquiry wherein he has held that the charges levelled against the workman are proved. It is contended by it the findings of Enquiry Officer are based on cogent documentary and oral evidence before him. It is contended by it though the workman requested to take a lenient view and to award any punishment other than dismissal deserved no favourable consideration only because of irresponsible behaviour and nonchalant attitude towards the services on the workman's part. It is contended by it the workman was never serious about his service in the bank. Every and ample opportunities were given to the workman and in spite of awarding punishments in the past, there was no improvement. Therefore, the very acts of the workman compelled the bank to award him deterrent punishment, which the workman deserved. Therefore, the punishment awarded to the workman is the most fit and proper punishment and bank's action to punish the delinquent appropriately is fully justified so as to put forth a lesson before others with

a view to maintain discipline in the bank and to increase morale of staff members who are discharging their duties sincerely. On all these above grounds, the 1st party has lastly prayed that the statement of claim of 2nd party be dismissed with cost.

10. According to rival pleadings of both parties, my learned predecessor Shri, P. S. Narkar had framed in all 5 issues at Ex. O-4 and out of that issues, issue nos. 1 & 2 were treated as a preliminary issues. Accordingly, after hearing of both sides, my learned predecessor had decided the preliminary issue Nos. 1 & 2 by passing Award Part-1 at Ex. O-14 on 14-9-2004. Preliminary issue No. 1 is in respect of Does the 2nd party prove that the domestic enquiry held against him was not fair, proper and legal and findings recorded by my learned predecessor on the said issue is in the negative. The preliminary issue No. 2 is in respect of, Whether the findings of enquiry officer are based on the evidence before the enquiry officer and the same is just, proper and legal and findings recorded by my learned predecessor on the said issue is in the affirmative and further passed the order that the reference to proceed further to decide other issues. Those issues are as follows and my findings thereon are as follows, for the following reasons.

Issues	Finding
(3) Whether the action of the management of Sangli Bank Ltd. Sangli in dismissing the services of Shri. A. D. Kamble, 2nd party sweeper is legal and justified ?	In the Affirmative
(4) If not to what relief the said workman is entitled to?	In the Negative
(5) What Order ?	As Per Final Order

REASONS

11. In order to prove the claim of 2nd party, the 2nd party has examined only one witness. Witness No. 1- Anil D. Kamble is examined at Ex. U-14 and thereafter, the 2nd party has filed his evidence close pursis at Ex. U-17. In addition, the 2nd party has produced one copy of notice dt. 18-11-2002 alongwith postal receipt of postal acknowledgment below list Ex. U-6. In support of its contention, the 1st party has not examined any witness, but filed one pursis at Ex. C-18 stating that it does not wants to lead any oral evidence. In addition 2nd party has produced copy of enquiry papers below list Ex. C-11. The 1st party has also produced one documents below list Ex. C-22. Both parties advocates have submitted their written arguments on record.

12. As to Issue No. 3. — The witness of 2nd party- Anil Kamble has reiterated the facts of statement of claim in his affidavit at Ex. U-14. But in view of sentences made by witness Anil Kamble in his cross examination, his evidence is not reliable. He admits in his cross-examination,

in the year 1991, he was given warning letter for remaining unauthorisedly absent. He do not remember whether he was given another warning letter dt. 18-1-1992 for again remaining unauthorisedly absent. He was received letter dt. 2-4-1992 which is the another warning letter.

Thereafter also, he was given another show cause notice dt. 12-2-1993 and he accepted the charges and his annual increment was stopped. He further admits in his cross-examination the accepted the charges in the said show cause notice and his evidence put up before disciplinary authority for enquiry. By accepted the charges before the disciplinary authority and his 2 increments were postponed. Thereafter, he was given charge sheet dt. 13-1-1995 and enquiry was conducted and he was dismissed in 1996.

13. Witness Anil has further admitted in his cross-examination that he replied the show cause notice by addressing the letter dt. 22-5-1995 to enquiry officer. However, he do not remember whether by another letter dt. 21-6-1995 addressed to enquiry officer, he explained his case. He do not remember whether on 9-8-1995, the disciplinary authority gave him another notice as to why punishment should not be given to him. Thereafter, by order dt. 27-1-1996 he was dismissed from services. He also admits that during the enquiry also he remained absent without getting the leave sanction intermittently as well as he also admits his dismissal is after considering his past record.

14. The advocate of 2nd party has submitted in his written argument that the 2nd party was a permanent employee of 1st party and he was employed as a sweeper. The only source of earning of 2nd party was his salary from service. The 2nd party comes from a economically weaker section of the society and was maintaining his family out of the income from salary. He further submits that so far as the attending the service in drunken state is concerned, it can be seen that there is absolutely no evidence before the court (or the enquiry officer) to hold that this charge was proved. The bank never conducted any blood test of 2nd party. He further submitted that mere interested version of some bank witnesses of no help to 1st party. Therefore, he pointed out the 1st party was not able to prove the charge of drunkenness against 2nd party.

15. The advocate of 2nd party has further submitted that so far the charge of unauthorised absence and irregular attendance is concerned, he further submits that the 2nd party has tried to explain under what circumstances, he was compelled to remain absent. The absence was not wilful but it was justifiable and bonafide. Further, the absence of 2nd party has not caused any financial loss to the bank. He further submits that there were no complaints from any customer of the bank about the work of 2nd party. He also submits that assuming without admitting that the said charge was proved, still it can be seen, that the said charge was for a technical misconduct, which did not involve any moral turpitude on the part of 2nd party.

thus his so called absence did not being the bank into any financial loss.

16. The advocate of 2nd party has further submits that the 2nd party had filed one application before this court directing the bank to produce the record in respect of two other employees of the bank viz. Mr. R. K. Kazania and Mr. K. S. Kamble, who had been treated leniently by the bank in similar circumstances. He further submits that these two employees were retained in service, however, discrimination was shown against the 2nd party and he was dismissed from service. The bank has not produced all the record in respect of these two employees and therefore, adverse inference can be drawn against the bank. He further submits that 2nd party has also stated in his affidavit that the punishment of dismissal from service has been deleted in the amended Bi-partite Agreement between the bank management and the employees union. Thus, 2nd party could not have been dismissed from service and this particular averment has not been challenged by the bank.

17. The advocate of 2nd party has further submits that 2nd party has led sufficient evidence to prove that he was not gainfully employed after his dismissed. The 1st party has failed to prove that 2nd party was gainfully employed. The bank requires the services of sweepers even today. Thus, vacancy is available in the bank. He further submits that assuming without admitting that 2nd party committed the misconduct of unauthorised absence, still it is submitted that the said misconduct is only a technical misconduct for which, the punishment (economic death) is highly disproportionate and illegal. In support of his above submission, the advocate of 2nd party has relied following case laws.

18. (1) In case Syed Zaheer Hussain V/s. Union of India & Ors. reported in 1999 LAB I. C. Page-2616 in which the Hon'ble Apex Court has held that punishment of dismissal-proportionality-employee alleged to have been unauthorised by absent from service-Placed under suspension when he tried to resume-Punishment of dismissal from service, harsh-Substituted by lesser punishment, that is, reinstatement with withdrawal of 50% of back wages.

(2) In case Maharashtra State Electricity Board & Ans. V/s. Sambhaji Baburao Thorat reported in 2002 I CLR Page-360, in which the Hon'ble Bombay High Court has held that electricity board's service conditions—condition No. 34(c)-Respondent employee remained unauthorisedly intermittently absent from 26-4-1984 and continuously from 29-4-1986 to 18-2-1997. Petitioner board therefore terminated service of the respondent employee by invoking power under condition No. 34(c) of the service conditions. Dispute as to termination came to be referred to Labour Court. Respondent employee produced medical certificate of illness of his son as a result of which he had remained absent. Labour Court allowed reference and directed reinstatement of respondent with 50% back wages-hence this writ petition by employer wherein learned advocate for the respondent has submitted that Regulations such as

condition No. 34(c) have been struck down by Supreme Court in several judgments. Accepting the submission of the employee and considering judgment of Supreme Court it is held that this is a fit case where the respondent should be reinstated in service with continuity of service but without back wages.

(3) In case *Employers in Relation to the Management to Lodna Area No. X of M/s B.C.C.L. V/s. Presiding Officer, Central Government Industrial Tribunal No. 1 Dhanbad & Anr.* Reported in 2003 I CLR Page-412, in which the Hon'ble Jharkhand High Court has held that Industrial Tribunal passed an award of reinstatement with holding that it was only carelessness and mistake of the workman while discharging duties-Worker not guilty of theft or fraud in connection with business or properties of the company. Challenged in writ-held that reinstatement with back wages upto 50% only for the period he remained dismissed from duties-No interference called in his jurisdiction. Industrial Disputes Act, 1947-Sec.11-A.

(4) In case *Gujarat State Road Transport Corporation V/s. Shankerbhai Panabhai Bhoi* reported in 2002 II CLR Page-868, in which Hon'ble Gujarat High Court has held that Sec. 10 of I.D. Act After a departmental enquiry respondent-workman dismissed for being absent from duty without taking leave with the relief of reinstatement, Labour Court granted 80% back wages. In his claim for full back wages. In the absence of any explanation for his absence and for seeking reference after 4½ years, the High Court confirmed order of reinstatement but set aside the order of partial back wages.

(5) In case *L/NK Musafir Yadav V/s. Commandant, 47 Bn., CRPF Gandhi Nagar & Anr.* reported in 2001 III CLR Page-1063, in which Hon'ble Allahabad High Court has held that overstaying of sanctioned leave by 49 days. Petitioner was in CRPF and he was dismissed from service for overstaying leave by 49 days-Petitioner challenges the dismissal on the ground that he was not given opportunity to put his defence. Held after receiving carefully examined the record of the present case, and the case law on the point, it is observed that decisions in the case of *Zahir Hussain, R. N. Mall and Satyendra Singh* are fully applicable in the facts and events in the present case and as such punishment of dismissal from service being too harsh and disproportionate to the charge of overstaying sanctioned leave is liable to be replaced by a minor punishment.

19. The advocate of 1st party has submitted in his written argument that termination of 2nd party from the service of the bank which is a fallout of the domestic enquiry conducted according to the principles of natural justice on account of unauthorised absence of 2nd party is just, proper and strictly according to law. He further submits that 2nd party was in habit of remaining unauthorisedly absent on and often. Even when the domestic enquiry was in progress regarding his unauthorised absence, 2nd party had continued to remain unauthorisedly absent. A second chargesheet was also issued to 2nd party regarding his

unauthorised absence. Despite giving him the opportunity to improve his attendance, the instructions of 1st party to 2nd party were not taken in right spirit. Thus, all the evidence produced before this court has established that the 2nd party had willingly neglected reporting for his duties.

20. He further submits that the tendency of 2nd party remaining unauthorisedly absent from duties is not only established by producing the documentary evidence but is also admitted by 2nd party himself in his cross-examination before this Court. He further submit that if at all 2nd party was concerned about maintaining his family from out of salary, 2nd party would not have remained unauthorisedly absent on and often. This fact itself proves that 2nd party was not at all maintaining his family out of the income from salary. He further submits that 2nd party was issued a chargesheet and show-cause notice dt. 13-1-1995 followed by ultimately, a punishment of dismissal from the services of the bank after conducting domestic enquiry according to the principles of natural justice. He further submits that the 4 charges were levelled against the 2nd party i.e.

- (i) Recurrence of the same misconduct continuously,
- (ii) Remaining absent without permission,
- (iii) Irregularity in attendance,
- (iv) Carelessness/Negligence in discharging the duties.

He further submits in the domestic enquiry, all these 4 charges levelled against 2nd party were found proved. He further submits that 2nd party had the tendency of remaining unauthorisedly absent from duties. The 1st party had given sufficient opportunity to 2nd party but there was no improvement in 2nd party. Lenient view taken in the part by 1st party had been misconstrued by 2nd party.

21. The advocate of 1st party has further argued that the facts of 2 cases of *Mr. R.K. Kazania* and *Mr. K.S. Kamble* are altogether different. The circumstances under which the chargesheets were issued to these two staff member. facts of the cases are brought on record as per the Ex. C-20, C-21 and C-22 a comparative chart under misconducts of *Mr. R.K. Kazania, Mr. K.S. Kamble* and 2nd party will sufficiently clarify the factual position. While these two staff members has shown improvement after affording opportunities to them, there was no improvement on the part of 2nd party. In the past, 2nd party was awarded punishment five times and then the domestic enquiry was ordered. After completion of domestic enquiry, the Disciplinary Authority had issued a show-cause notice to 2nd party indicating as to why a punishment of dismissal should not be awarded to him. 2nd party, if at all was serious about his employment, should have reported for his duties. Instead, there was no improvement at all in his attitude towards the attendance even after issuing of notice of proposed punishment of dismissal. After issuing the said

notice, the 2nd party remained absent from duties in all for 44 days between 3-8-1995 to 31-10-1995. This too, is enough to conclude that the proportionality of punishments in these matters cannot be weighed. A case similar to that of 2nd party is decided in the year 2002 by awarding punishment of dismissal. There is no disparity in the case of 2nd party.

23. The advocate of 1st party has further submitted that contrary to the factual position, 2nd party has said that punishment of dismissal from service has been deleted. This point is sufficiently covered in exhibit C-20 & C-21. This misconducts of 2nd party which are proved in the domestic enquiry are major misconducts in terms of the provisions under the B.P. Settlement which attracted punishment of dismissal according to the said provisions. The provisions of disciplinary action and procedure, within the purview of which the case of 2nd party falls, was in existence at the time of initiating the disciplinary action/awarding the punishment to 2nd party and are still in existence. He further submitted that case laws relied by advocate of 2nd would not be helpful to the case of 2nd party in present case because facts in present case and facts in relied case laws are different. He further submitted that in support of his submission he relied the decisions in following case laws.

(i) In case *Larsen and Tourbo Grahak Sahakari Sanstha Maryadeet Bombay V/s. Tanaji Kashinath Vishwe* reported in 2006 LAB I.C. Page-256, in which Hon'ble Bombay High Court has held that Dismissal from service-ground of habitual absence from duty—Validity—Said misconduct per se cannot be termed as misconduct of minor technical character—Labour Court itself recording finding that attendance record of delinquent employee was dismissal the employee was incorrigible—Employer had earlier given many opportunities to him for improvement—in spite of said findings order of Labour Court that punishment of dismissal is shockingly disproportionate, without giving any reasons in support thereof—in nothing shourt of veto—Liable to be set aside.

(2) In case *Francis Xavier V/s. M/s. Magna Graphics (I) Pvt. Ltd., & Ors.* reported in 2005 LAB I.C. Page-2633, in which Hon'ble Bombay High Court had held that dismissal from service-ground-habitual absenteeism—Whether punishment is shockingly disproportionate—Workman was given more than adequate chances to improve his attendance. But he continued to be chronic case of absenteeism. It was not minor or technical misconduct—Post record of his service showed that all disciplinary actions taken against him were solely on ground of absenteeism—Concurrent findings by Courts considering scope of Item, 1(g) of Sch. IV and past record of service that punishment of dismissal was not disproportionate to charges levelled—Not interfered with.

(3) In case *Maan Singh v/s Union of India & others* reported in 2003 LAB I.C. Page-1176, in which Hon'ble Apex Court has held that dismissal—Misconduct—

Delinquent charged for habitual absence for long periods on several occasions unauthorisedly—Order of dismissal passed against delinquent—no interference.

(4) In case *Delhi Transport Corporation v/s Sardar Singh* reported in AIR 2004 Supreme Court Page-4161, in which their lordship has held that the misconduct of absenteeism is serious enough warranting the punishment of dismissal.

24. While considering the above submissions made by both parties advocates as well as documentary as well as oral evidence on record and admitted fact in present case, it appears to me that, it is an admitted fact since 3-8-1995 to 17-8-1995, 1-10-1995 to 3-10-1995, 5-10-1995 to 15-10-1995, and 17-10-1995 to 31-10-1995 the 2nd party was unauthorisedly absent on his duty. Not only this, it is an also admitted fact on 31-1-1994, 14-2-1994, 22-2-1994, 7-3-1994, 3-6-1994 to 8-6-1994, 5-7-1994 and 18-7-1994, the 2nd party was unauthorisedly absent on his duty. It is and also admitted fact in all 4 charges levelled against the 2nd party have proved before the enquiry officer as per the report of enquiry officer. It is an also admitted fact my learned predecessor has held that the 2nd party has totally failed to prove the domestic enquiry held against him was not fair, proper and legal as well as the 1st party has proved the findings of the enquiry officer are based on evidence before him and same is just, proper and legal. The 2nd party himself admitted in his cross-examination about in the year 1991, he was given warning letter for remaining unauthorisedly absent. He also admits he received letter dtd. 2-4-1992 which is the another warning letter. He also admits thereafter also he was given another show cause notice dtd. 12-1-1993 and accepted the charges and his annual increment was stopped.

25. After careful perusal all the enquiry papers below list Ex. C-11 as well as admission given by 2nd party in his cross-examination, it appears to me that, on several occasions, the 2nd party remained absent unauthorisedly on his duty and the charges in the regard have also proved before the enquiry officer against the 2nd party. Therefore, in such circumstances only the question before me is to see whether the action of 1st party in dismissing the services of Shri. A.D. Kamble is legal and justified or not? While considering this point and the evidence on record, it appears to me that, it is necessary to see the ratios laid down by the Hon'ble Apex Court as well as Hon'ble Bombay High Court, Hon'ble Gujarat High Court, Hon'ble Allahabad High Court and Hon'ble Jharkhand High Court.

26. I have gone through the ratios laid down by the Hon'ble Apex Court in *Syed Zaheer's* case as well as ratio laid down by the Hon'ble Bombay High Court in *Maharastra State Electricity Board's* case as well as I have gone through the ratio laid down by the Jharkhand High Court in *Employers in relation to the Mgt. of Lodna Area No. X of M/s B.C.C.L.'s* case as well as ratio laid down by the Hon'ble Gujarat High Court in *Gujarat State Road Transport Corporation's* case and ratio laid down by the

Hon'ble Allahabad High Court in L/NK Musafir Yadav's case as cited above. After considering the ratios laid down in the above relied case laws and facts in case in hand it appears to me that, the facts in case in hand are totally different than the above relied case laws. Because the 2nd party has not brought on record due to illness, he was unauthorisedly absent on his duty and he also failed to prove due to his unauthorisedly absency, the bank will not suffer any monetary loss. Therefore, with due respect, I hold that the ratios laid down in above case laws would not be helpful to the case of 2nd party in case in hand.

27. I have gone through the case laws relied by the advocate of 1st party. After perusal ratio laid down by the Hon'ble Bombay High Court in Larsen & Tourbo's case as well as ratio laid down by Hon'ble Bombay High Court in Francis Xavier's case and ratio laid down by the Hon'ble Supreme Court in Maan Singh's case as well as ratios laid down by the Hon'ble Apex Court in case Delhi Transport Corporation's case and facts in case in hand, it appears to me that, the ratios laid down in above relied case laws would be helpful to the case of 1st party in case hand. Because, the Hon'ble Apex Court has held in Delhi Transport Corporation's case that misconduct of absenteeism is serious enough warranting the punishment of dismissal. Not only this, the facts in case in hand goes to show that several occasions, the 2nd party has committed misconduct regarding unauthorized absenteeism on his duty. The facts in present case also goes to show that after giving more than adequate chances to improve his attendance, the 2nd party could not improve his attitude but he continued to be chronic case of absenteeism. The facts in case in hand also goes to show that the 2nd party charged for habitual absence on long period on several occasions unauthorisedly.

28. Taking into consideration the ratios laid down in above relied case laws and specifically the ratios laid down by the Hon'ble Apex Court in Delhi Transport Corporation v/s Sardar Singh's case as discussed above and facts and circumstances of the case as well as documentary evidence on record, I hold that the action of the management of Sangli Bank in dismissing the services of A.D. Kamble-2nd party sweeper is legal and justified. Therefore, I answer issue No. 3 in the affirmative.

29. As to Issue No. 4:—Taking into consideration the findings given by my learned predecessor on preliminary issue No. 1 & 2 as well as findings given by me on issue No. 3, I have no hesitation to hold that, the 2nd party is not entitled to get any relief as sought in his statement claim. Hence, I answer issue No. 4 in the negative.

30. As to Issue No. 5 :—Considering the findings on issue No. 1 to 4, I come to the conclusion the statement of claim of 2nd party is fit to be dismissed. However, taking into consideration the facts circumstances of the case, I hold that it is just and proper, both parties shall bear their own cost. In the result, I proceed to pass the following award.

AWARD

- (i) The reference is hereby answered in the negative.
- (ii) The reliefs of 2nd party in his statement of claim are hereby dismissed.
- (iii) Five Copies of this Award be sent to the Desk Officer, Ministry of Labour, Government of India, New Delhi for publication and necessary action.

Sangli

M.V. MORALE, Presiding Officer

Date : 29th November, 2006.

नई दिल्ली, 22 दिसम्बर, 2006

का.आ. 114.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ़ ट्रान्स्वोर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, इरनाकुलम के पंचाट (संदर्भ संख्या 26/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-2006 को प्राप्त हुआ था।

[सं. एल-12012/74/2003-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd December, 2006

S.O. 114.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. mNo. 26/2006) of the Central Government Industrial Tribunal/Labour Court, Ernakulam now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Travancore and their workmen, which was received by the Central Government on 21-12-2006.

[No. L-12012/74/2003-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM PRESENT

Shri P.L. Norbert, B.A., L. L.B., Presiding Officer

(Thursday, the 07th day of Decemer, 2006/16th
Agrahayana, 1928)

I.D. No. 26/2006

(I.D. 45/2003 of Labour Court, Ernakulam)

Workman/Union : Karuppan, H. No. 154/3
Murukan Illam, C. Colony
Marayur
Idukki

Adv. Shri C. Anil Kumar

Management : The Regional Manager
State Bank of Travancore
Zonal Office
Ernakulam.

Adv. Shri Paulson C. Varghese.

AWARD

This is a reference made by Central Government under Section 10(1) (d) of Industrial Disputes Act, 1947 for adjudication. The reference is :—

“Whether the dismissal from service of Sri Karuppan, Record Keeper of Marayur by the management of State Bank of Travancore is fair, proper and justified? If not, what relief the workman is entitled to?”

2. The facts in brief are as follows :

Shri Karuppan, the worker had joined the service of State Bank of Travancore as a sub-staff in 1982. While he was working at Marayur Branch of Idukki District, on certain allegations of misconduct, he was suspended from service w.e.f. 22-5-2000. A charge sheet was issued to him for misappropriation of amounts of customers entrusted to him for crediting in their accounts and for borrowing money from a customer. The workman gave an explanation to the charge-sheet which was not acceptable to the management. Hence a domestic enquiry was conducted and he was dismissed from service w.e.f. 16-6-2001. An appeal was filed but was rejected by the Appellate Authority. According to the worker, the domestic enquiry was conducted in violation of principles of natural justice. No proper opportunity was given to him to defend. He was not allowed to take assistance in the enquiry. The documents were not properly marked. Proper witnesses were not examined on the management side. No subsistence allowance was given to him, which disabled him in participating in the enquiry properly. He had put in 29 years of service with the bank and he has a clean service record. He has no source of income and has to look after his ailing wife and studying children.

3. According to the management the worker was suspended and domestic enquiry was conducted for certain serious and gross misconduct. The enquiry officer had followed the procedure of domestic enquiry, ample opportunity was given to the delinquent to put forward his case and cross-examine the witnesses on management side. He was assisted by a defence representative. There was no violation of principles of natural justice. Considering the seriousness of the misconduct the disciplinary authority imposed a punishment of dismissal without notice. The action is proper and legal. The claimant is not entitled to any relief.

3. In the light of the above contentions the following points arise for consideration :

- (1) Is the enquiry valid?
- (2) Are the charges proved?
- (3) Is the punishment proper?

The evidence consists of the enquiry file, Ext. M1 alone.

4. Point No. (1) :

Though a contention is taken in the claim statement that the enquiry officer had violated principles of natural justice, that he was not given sufficient opportunity to defend his case, that he was not allowed to take assistance of a co-worker in the enquiry etc., the enquiry report and the proceedings contained in pages 19 to 22 and 26 and 27 of Ext. M1 belie the contentions. He was assisted by Zonal Secretary of SBT Employees' Union and the management witnesses were cross-examined by defence representative. The worker had fully participated in the enquiry. He was given opportunity to adduce evidence. Copies of management documents were given to the defence on the first day of the enquiry. The witnesses were examined on the next posting date. At the end of the evidence of the management the delinquent was given opportunity to adduce evidence on his side. But, he did not choose to furnish any evidence on defence side. Written argument note was submitted thereafter by the defence representative. Thus all the procedure of domestic enquiry was followed by the enquiry officer and there is absolutely no violation of principles of natural justice. Every opportunity was given to the delinquent during enquiry. This fact was fairly conceded by the learned counsel for the workman. The workman has not been able to show any perversity in the findings of enquiry officer either. Therefore I find that the enquiry is valid.

5. Point No. (2) :

I have already found that the enquiry is valid. It is then the burden of the workman to show on the basis of the materials on record that evidence was inadequate to prove the charges. Though many witnesses were cited before the enquiry officer by the management PWs 8,11,12,18,19 & 20 alone were examined. Out of them PWs 8, 18,19 and 20 were customers of the bank. PW 11 was the accountant of Marayur branch. PW12 was the former head cashier of Marayur branch. The charge against the workman is that (1) he had misappropriated amounts entrusted by various customers of the branch for crediting the same in their accounts.

There were 19 customers whose money was thus misappropriated; (2) the workman had made fictitious credit entries in the pass book of customers regarding the amount appropriated with a view to cover up the misappropriation; (3) the workman had borrowed Rs.12,000 from one Karthavarayan, a customer of the bank. The customers, PWs 8,18,19 & 20 have supported the allegations against the workman. PW11, the accountant of Marayur branch did not support the charges and most of his answers were that he was not aware. PW 12, the former head cashier had fully supported the case of management. Besides, there was documentary evidence like pass book, ledger folios, credit vouchers, which are Exts. PE1 to 35 in Ext. M1. The defence was not able to make any inroads into the evidence of the management. No evidence was adduced on defence side

before the enquiry officer. Thus the charges against the workman stood proved fully. The disciplinary authority passed a preliminary order proposing punishment of dismissal from service and the worker was called upon to show cause why the proposed punishment shall not be imposed. Thereafter a final order was passed by the disciplinary authority on 16-6-2001 (pages 327 to 329 of Ext. M1) dismissing the workman from service. An appeal was filed by the workman, but the appellate authority rejected the appeal and the order is contained in pages 14 to 17 of Ext. M1. Thus the findings are unimpeachable and there is no reason to interfere with the findings.

6. Point No. (3):

The only aspect that the workman could pursue before this court is the proportionality of the punishment. The charge-sheet contained in pages 2 & 3 of Ext. M 1 mentions that the conduct of the workman falls under Clause 19.5 (d) - willful damage or attempt to cause damage to the property of the bank or any of its customers, (2) Clause 19.5 (j) - doing any act prejudicial to the interest of the bank or gross negligence or negligence involving or likely to involve the bank in serious loss, (3) Clause 19.7 (d)-breach of any rule of business of the bank or instructions for the running of any department, (4) Clause 19.7 (1) - incurring debts to an extent considered by the management as excessive. The last two charges fall under minor misconduct and the first two charges under gross misconduct, as per 1st Bipartite Settlement dated 19.10.1966. As per the major charges, 19 customers had entrusted money to the delinquent for remittance in their accounts. But the delinquent did not remit. At the same time in the pass book of the customers the amounts were entered as if they were credited in their respective accounts. This is no doubt a serious misconduct so far as a bank staff is concerned. It affects the reputation of the bank and customers lose faith in the bank. Considering the seriousness of the charges the punishment of dismissal was imposed on the delinquent. It is true that there is no past record of misconduct on the part of delinquent and he had put in about 29 years of service. But that is no reason to show any leniency in the case of a serious misconduct like the present. It is not one or two solitary instances in which misappropriation was done. But there are 19 customers whose money was embezzled by the workman. It cannot be taken lightly by a bank. It creates echoes of mistrust among customers and it is bound to reverberate in the business of the bank. If such a person is retained in the bank it would be a retrograde step on the part of the bank and it would be difficult for the bank to recapture the faith of the customers. These circumstances weighed with the management while imposing the punishment. It cannot be said in the above circumstances that the punishment is shockingly disproportionate to the guilt. The workman had worked 29 years in the bank and he was earning so long. Therefore his contention that he has no source of income

and he has to look after his family, is not a mitigating circumstance. Deterrent punishment is sometimes warranted in order to protect the institution and caution the other staff of the institution. For the reasons stated above, I find that the punishment imposed was warranted in the circumstances and no interference is called for by this court.

7. In the result, an award is passed finding that the action of the management in dismissing the workman, Shri Karuppan from service is legal and proper. The workman is not entitled to any relief. There is no order as to cost. The award will take effect one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 7th day of December, 2006.

P. L. NORBERT, Presiding Officer

APPENDIX

Witness for the Union :	Nil
Witness for the Management:	Nil
Exhibits for the Union :	Nil
Exhibits for the Management :	
MI - Domestic Enquiry File.	

नई दिल्ली, 22 दिसम्बर, 2006

का.आ. 115.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 159/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-2006 को प्राप्त हुआ था।

[सं. एल-12012/81/2003-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd December, 2006

S.O. 115.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.159/2003) of the Central Government Industrial Tribunal/Labour Court, Nagpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 21-12-2006.

[No. L-12012/81/2003-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI A. N. YADAV PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR.

Case No. NGP/159/2003

Date 06-12-2006.

Petitioner : **Shri Ratnam S/o Late Shri Awlayya,**
 Party No. 1 R/o-Qtr No. 4C, St. No. 25, Sector-6,
 Bhilai Nagar, Dist. Durg [Chattisgarh]

Versus

Respondent : **The Dy. General Manager,**
 Party No. 2 State Bank of India, Zonal Office,
 Shanker Nagar, Raipur-492 001
 [Chattisgarh].

AWARD

[Dated : 6th December 2006]

1. The Central Government after satisfying the existence of disputes between Shri Ratnam S/o Late Shri Awlayya, R/o-Qtr. No. 4C, St. No. 25, Sector-6, Bhilai Nagar, Dist. Durg [Chattisgarh] Party No. 1 and The Dy. General Manager, State Bank of India, Zonal Office, Shanker Nagar, Raipur-492001 [Chattisgarh] Party No. 2 referred the same for adjudication to this Tribunal *vide* its Letter No. L-12012/81/2003 [IR (B-1)] Dtd. 4-7-2003 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the action of the Dy. General Manager, State Bank of India, Raipur (CG) in terminating the services of Shri S. Ratnam S/o Late Shri Awlayya, Ex-messenger, is justified? If not to what relief the workman is entitled for?"

3. The reference came up for hearing today on 6-12-2006 nobody appeared though called repeatedly either for the petitioner or for the management. It seems that after filing the rejoinder the petitioner is not attending the court. He is absent from last more than one year, he was expected to file the affidavit and adduce the evidence in support of his claim. However, he has not filed any Affidavit nor attended the Court. Occasionally on 9-5-2005 the counsel for the Petitioner appeared in the court, but there is no progress in the case. He has not filed any affidavit till today. The counsel for the management intermediately attends the court. Today as indicated above neither petitioner nor the respondent or their counsels appeared and adduced the evidence. The reference is very old of the year 2003. There are no reasons to adjourn it for filing the Affidavit. In the result it is disposed of for the default of the petitioner. Its stands as dismissed. No order has to cost. I answer the award that the action of the respondent of terminating the services of Shri Ratnam is justified and he is not entitled for any relief.

Hence this award.

Dated : 6-12-2006. A. N. YADAV, Presiding Officer

नई दिल्ली, 22 दिसम्बर, 2006

का.आ. 116.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डच बैंक ए. जी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण-1, मुम्बई के पंचाट (संदर्भ संख्या 17/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-2006 को प्राप्त हुआ था।

[सं. एल-12012/259/2002-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd December, 2006

S.O. 116.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 17/2002) of the Central Government Industrial Tribunal/Labour Court, I Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deutch Bank A G and their workman, which was received by the Central Government on 21-12-2006.

[No. L-12012/259/2002-IR (B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
 INDUSTRIAL TRIBUNAL NO. 1
 MUMBAI**

PRESENT:

JUSTICE GHANSHYAM DASS, Presiding Officer

Reference No. CGIT-17 of 2002

PARTIES

Employers in relation to the management of
 M/s. Deutsche Bank AG

AND

Mrs. Mani Jos

APPEARANCES:

For the Management : Mr. Alva, Adv.

For the workman : Mr. M.B. Anchan, Adv.

Workman present in person.

State : Maharashtra

Mumbai dated the 30th day of November, 2006

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section I of Section 10 of the Industrial Disputes Act 1947 (the Act for short) *vide* Government of India, Ministry of Labour, New Delhi Order No. L-12012/259/2002 IR(B-1) dated 30-10-2002. The terms of reference given in the schedule are as follows :

"Whether Mrs. Mani Jos employed in Deutsche Bank AG, is a workman under the provisions of Industrial Disputes Act, 1947 (2). If so, whether the action of the management of Deutsche Bank AG in terminating the services of Mrs. Mani Jos w.e.f. 2nd November, 2001 is justified? If not, what relief she is entitled?"

2. The matter came up for hearing today. The parties have filed the terms of Settlement wherein it has been mentioned that this Settlement is in full and final settlement of all claims made under the reference. It is also mentioned that if the terms and conditions are fulfilled, the parties shall have no right, dispute or claim against each other.

3. In view of the aforesaid terms and settlement, the reference is liable to be disposed of accordingly.

4. The reference is accordingly disposed of.

5. The Award is made accordingly. The terms of Settlement shall form part of Award.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 22 दिसम्बर, 2006

का.आ. 117.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर.एम., पश्चिमी रेलवे के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण कोटा के पंचाट (संदर्भ संख्या 4/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-2006 को प्राप्त हुआ था।

[सं. एल-41012/15/91-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 22nd December, 2006

S.O. 117.—In pursuance of Section 17 of the Industrial Disputes, Act, 1947 (14 of 1947), the Central Government hereby publishes the award (4/2002) of the Industrial Tribunal Kota now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of R.M. Western Railway and their workman, which was received by the Central Government on 21-12-2006.

[No. L-41012/15/91-IR (B-1)]

AJAY KUMAR, Desk Officer

अनुबन्ध

न्यायाधीश, औद्योगिक न्यायाधिकरण/केन्द्रीय/कोटा/राज.

पीठासीन अधिकारी :—के.के. गुप्ता, आर.एच.जे.एस.

रेफ्रेन्स प्रकरण क्रमांक : औ. न्या./केन्द्रीय/-4/2002

दिनांक स्थापित : 17-1-2002

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश क्रमांक एल-41012/15/91-आई.आर.डी.यू. दिनांक 21-10-91 व प्रकरण स्थानान्तरित आदेश संख्या एल-41012/15/91-आई.आर.(डी.यू.बी.आई) दिनांक 20-12-2001

रेफ्रेन्स अन्तर्गत धारा 10(1)(घ)

औद्योगिक विवाद अधिनियम, 1947

मध्य

छोटे लाल पुत्र श्री छोखे लाल

द्वारा अध्यक्ष, राष्ट्रीय चतुर्थ श्रेणी मजदूर कांग्रेस,

2/236 नामनेर (आगरा)।

.....प्रार्थी श्रमिक

एवं

डी.आर.एम. पश्चिमी रेलवे, कोटा।

....अप्रार्थी नियोजक

उपस्थिति

प्रार्थी श्रमिक की ओर से प्रतिनिधि,

श्री सुरेन्द्र सिंह

अप्रार्थी नियोजक की ओर से प्रतिनिधि,

श्री नरेश शर्मा

अधिनिर्णय दिनांक : 19-8-06

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा अपने उक्त आदेश दिनांक 21-10-91 द्वारा निम्न रेफ्रेन्स औद्योगिक विवाद अधिनियम, 1947 जिसे तदुपरांत "अधिनियम" से सम्बोधित किया जावेगा (की धारा) 10(1)(घ) के अन्तर्गत पूर्व औद्योगिक न्यायाधिकरण/केन्द्रीय/नई दिल्ली को अधिनिर्णयार्थ सम्प्रेषित किया गया था, तदुपरान्त यह प्रकरण उनके आदेश दिनांक 20-12-01 के द्वारा इस न्यायाधिकरण को अधिनिर्णयार्थ स्थानान्तरित किया गया :

"Whether the action of the management of Western Railway Kota in terminating the services of Sh. Chhotey Lal S/o Shri Chhokhey Lal under PWI CTR, Idgah, Agra w.e.f. 2-7-84 and not absorbing him against handicapped Quota is justified? If not, to what relief the concerned workman is entitled."

2. उक्त रेफ्रेन्स प्रकरण पत्रावली इस न्यायाधिकरण को प्राप्त होने पर पंजीबद्ध उपरांत पक्षकारों को सूचना विधिवत रूप से जारी की गयी।

3. प्रार्थी श्रमिक छोटे लाल की ओर से क्लेम स्टेटमेंट में यह अभिकथित किया गया है कि वह अप्रार्थी नियोजक के अधीनस्थ पी.डब्ल्यू.आई., सी.टी.आर. पश्चिम रेलवे इंदगाह के अधीन दि. 21-2-78 से 1-7-84 तक लगभग 7 वर्ष तक गैंगमैन के पद पर सेवारत रहा जोकि विकलांग कांटे से नियुक्त किया गया था। जब प्रार्थी श्रमिक ने सेवायोजकों से समान कार्य का समान वेतन दिलाने व अवशेष वेतन दिलाने की मांग की तो उसे बदले की भावना से 2-7-84 को अवैध रूप से सेवा से पृथक कर दिया गया। इस प्रकार प्रार्थी को बिना किसी आरोप व कारण बताये सेवा से हटा दिया गया। सेवायोजकों से कारण पूछने पर केवल आश्वासन देते रहे, मजबूरन प्रार्थी ने सक्षम अधिकारी के समक्ष विवाद उठाया। आगे अभिकथित किया गया है कि सेवायोजकों के यहां विकलांग कांटे के रिक्त स्थान की कभी कमी नहीं रही, सीधी भर्ती से न्यू फेसिस के रूप में नये कर्मचारी सेवा में रखे जाते रहे। प्रार्थी के अनुरोध पर सेवायोजकों ने डिभिजनल होस्पिटल, कोटा में मेडिकल करवाया और उनके पत्र

दिनांक 23-6-84 के आधार पर प्रार्थी के विकलांग होने के कारण उसे भाग-दौड़ का भारी काम ना देकर हल्के काम पर लगाने की सलाह दी गयी, किन्तु फिर भी उसे वैकल्पिक कार्य पर नहीं लगाया गया। यह भी अभिकथित किया गया है कि प्रार्थी से कनिष्ठ कर्मचारी आज भी सेवायोजकों के यहां सेवारत है जोकि स्थायी हो गये हैं तथा नये श्रमिक भी नियोजित किये गये हैं, किन्तु प्रार्थी को ऐसा अवसर प्रदान नहीं किया गया है। प्रार्थी सेवा से हटाये जाने उपरान्त बेरोजगार है तथा विकलांग कर्मचारी को सेवा में नहीं रखना भारत सरकार की नीति के विपरीत है। अन्त में प्रार्थना की गयी है कि उसे सेवा से हटाया जाना अवैध घोषित करते हुए समस्त लाभों सहित सेवा में उसके बैठकी के वेतन सहित यथावत रखवाये जाने का अनुतोष प्रदान किया जावे।

4. अप्रार्थी नियोजक की ओर से प्रार्थी के उक्त क्लेम का जवाब प्रस्तुत करते हुए यह कथन किया गया है कि दि. 21-2-78 से 6-9-81 तक प्रार्थी को दैनिक वेतन भोगी आकस्मिक श्रमिक के रूप में लगाया गया व उसके पश्चात् 27-1-84 को पुनः इसी रूप में लगाया गया व इस प्रकार प्रार्थी को 120 दिन की सेवा पूर्ण करने पर 12-6-84 को अस्थायी श्रमिक का दर्जा दिया गया। श्रमिक का यह कहना गलत है कि उसने 7 साल तक गैंगमैन के पद पर कार्य किया है एवं उसे विकलांग कोटे से नियुक्ति दी गयी है। प्रार्थी द्वारा यह कथन करना कि समान कार्य के लिए समान वेतन की मांग व नियमित करने की मांग की गयी, सर्वथा गलत है। प्रार्थी को 1984 में चिकित्सीय परीक्षण हेतु भेजा गया था, वहाँ पर यह अयोग्य (अनफिट) पाया गया और 2-7-84 को वह स्वयं ही उपस्थित नहीं हुआ। प्रार्थी को सेवा से नहीं निकाला गया। प्रार्थी द्वारा अवशेष वेतन के लिए जो वाद अदालत में दायर किया गया था, उसकी अपील की हुई है, अन्तिम नहीं हुआ है। प्रार्थी को, अप्रार्थी द्वारा किसी प्रकार का आश्वासन नहीं दिया गया और उसके द्वारा बताये गये सभी तथ्य गलत हैं। प्रार्थी का यह कथन कि उसे विकलांग कोटे में लिया गया था, पूर्णतया गलत है। प्रार्थी कभी भी विकलांग कोटे में नहीं आया था इसलिए इस कोटे में नियुक्ति देने का प्रश्न ही नहीं उठता। प्रार्थी का यह कथन भी गलत है कि उससे कनिष्ठ श्रमिकों को स्थायी कर दिया गया और लखनऊ अदालत के समक्ष चल रही कार्यवाही से उसे पुनः कार्य पर रखने की बात की गयी हो। इस प्रकार प्रार्थी का सम्पूर्ण क्लेम निराधार होने से सब्यय निरस्त किया जावे, वह किसी प्रकार का अनुतोष प्राप्त करने का अधिकारी नहीं है।

5. प्रार्थी की ओर से जवाबुलजवाब भी प्रस्तुत किया गया जिसमें लगभग क्लेम में वर्णित तथ्यों की ही पुनरावृत्ति करते हुए अप्रार्थी द्वारा प्रस्तुत जवाब का प्रतिवाद किया गया है।

6. प्रार्थी की ओर से मौखिक साक्ष्य में स्वयं का शपथ-पत्र प्रस्तुत कर परीक्षित करवाया हुआ है। पक्षकारों की ओर से प्रलेखीय साक्ष्य भी प्रस्तुत की गयी है। अप्रार्थी ने कोई मौखिक साक्ष्य प्रस्तुत नहीं की।

7. पक्षकारों की बहस सुनी गयी। पत्रावली पर उपलब्ध पक्षकारों की लिखित बहस, पत्रावली व उपलब्ध साक्ष्य का ध्यानपूर्वक परिशीलन किया गया।

8. प्रार्थी का यह कहना है कि उसने 21-2-78 से 1-7-84 तक अप्रार्थी के अधीन गैंगमैन के पद पर काम किया है। अप्रार्थी का इस सम्बन्ध में यह तर्क है कि प्रार्थी ने 21-2-78 से 6-9-81 तक कार्य किया है और उसके पश्चात् 27-1-84 से 12-6-84 तक 120 दिन लगातार सेवारत रहने पर 12-6-84 से अस्थाई दर्जा दिया गया और उसे 19-6-84 को चिकित्सीय जाँच हेतु भेजा गया। चिकित्सीय जाँच में उसे अयोग्य घोषित कर दिया गया जिस पर वह 2-7-84 से गैर हाजिर हो गया। इस तरह से उन्होंने प्रार्थी को सेवा से बरखास्त नहीं किया है।

9. प्रार्थी ने अपनी मौखिक साक्ष्य में यह कथन किया है कि वह पी.डब्ल्यू.आई., सी.टी.आर. पश्चिम रेलवे ईदगाह के अधीन दि. 21-2-78 से 1-7-84 तक अर्थात् 7 वर्ष तक गैंगमैन के पद पर सेवारत रहा है और 2-7-84 से सेवायोजकों ने उसे सेवा से पृथक कर दिया। जिरह में भी प्रार्थी ने इन्हीं तथ्यों की पुष्टि की है। उसने शपथ-पत्र में यह भी कथन किया है कि उसे नियमित कर्मचारियों की भांति वेतन भुगतान नहीं किया गया था जिस पर एल.सी.ए. नं. 96/86 केन्द्रीय सरकार, श्रम न्यायालय, नई दिल्ली में, प्रस्तुत किया उस पर न्यायालय द्वारा दि. 11-4-91 को प्रार्थी के पक्ष में आदेश पारित किया गया जिसकी फोटो प्रति एनेक्सर-1 है। इस आदेश के अवलोकन से यह पाया गया कि प्रार्थी को दि. 21-2-78 से 1-7-84 तक के वेतन-भत्तों के अन्तर की राशि रु. 6259/- न्यायालय द्वारा दिलायी गयी। अप्रार्थी की ओर से इस सम्बन्ध में कोई साक्ष्य प्रस्तुत नहीं की गयी है कि प्रार्थी ने 7-9-81 से 26-1-84 तक कोई कार्य नहीं किया है और 27-1-84 से उसे पुनः सेवा में गैंगमैन के रूप में नियुक्ति दी गयी। इसके विपरीत प्रार्थी के शपथ कथनों का कि 21-2-78 से 1-7-84 तक उसने गैंगमैन के रूप में कार्य किया, का कोई खण्डन नहीं हुआ है और इसकी पुष्टि केन्द्रीय श्रम न्यायालय, नई दिल्ली के निर्णयादेश दि. 11-4-91 से भी होती है जिसके अन्तर्गत अप्रार्थी से प्रार्थी को दि. 21-2-78 से 1-7-84 तक के वेतन-भत्तों के अन्तर की राशि दिलायी गयी। अतः प्रार्थी का यह कथन कि उसने 21-2-78 से 1-7-84 तक अप्रार्थी के अधीन गैंगमैन के पद पर कार्य किया, साबित होना पाया जाता है।

10. इस सम्बन्ध में कोई विवाद नहीं है कि प्रार्थी को दिनांक 12-6-84 से अस्थाई दर्जा दिया गया एवं 19-6-84 को प्रार्थी को चिकित्सीय जाँच के लिए भेजा गया। प्रार्थी स्वयं ने क्लेम स्टेटमेन्ट के पैरा नं 7 में यह कथन किया है कि पत्रांक एम. डी./55-3/ए. एफ. दिनांक 23-6-84 के आधार पर विकलांग होने के कारण सलाह दी गयी कि उसे दौड़ने भागने एवं कूदने का भारी काम ना देकर हल्के काम पर लगाया जावे। इस पत्र की फोटोप्रति का अवलोकन करने से यह पाया जाता है कि प्रार्थी का मुआयना करने पर उसे हल्के कार्य पर लगाने की सलाह दी गयी है और गैंगमैन के कार्य के लिए योग्य नहीं बताया गया है। प्रार्थी का यह कथन है कि उसकी भरती विकलांग कोटे से की गयी, किन्तु प्रार्थी ने इस सम्बन्ध में कोई साक्ष्य प्रस्तुत नहीं की है। प्रार्थी स्वयं ने यह कहा है कि उसे गैंगमैन के पद पर भरती किया गया था और जैसा कि स्पष्ट है, गैंगमैन का कार्य भारी प्रकृति का है जिसमें दौड़ना, भारी माल लेकर चढ़ना आदि कार्य सम्मिलित

हैं। यदि प्रार्थी शुरू से ही बायें पैर के पोलियो से ग्रसित होता तो उसे इस पद के लिए नियुक्ति नहीं दी जाती, अन्य पद के लिए नियुक्ति दी जाती। दिनांक 2-12-87 को सी.एम.ओ. आगरा द्वारा किये गये चिकित्सीय परीक्षण की फोटोप्रति प्रस्तुत की गयी है, किन्तु उससे यह साबित नहीं होता है कि प्रार्थी को जब सन् 78 में भरती किया गया था तब से ही वह बायें पैर के पोलियो से ग्रसित था। इस प्रमाण-पत्र से यह प्रतीत होता है कि प्रार्थी स्थायी रूप से विकलांग हो गया है। अतः प्रार्थी यह साबित करने में असफल रहा है कि जब उसे 21-2-78 को गैंगमैन के पद पर भरती किया गया तब वह विकलांग था, बल्कि यह साबित होता है कि जब उसको अस्थायी दर्जा दिया गया और चिकित्सीय परीक्षण कराया गया तो उसके बायें पैर में पोलियो था और इसके कारण वह विकलांग हो गया था।

11. यह निर्विवाद है कि प्रार्थी को अस्थायी दर्जा प्राप्त था और तत्कालीन इण्डियन रेलवे इस्टेबलिश मैनुअल के पैरा सं. 2511 के अनुसार जिसने अस्थायी दर्जा प्राप्त कर लिया है, उस पर डिसीप्लीन एण्ड अपील रूल्स लागू हो जाते हैं, अर्थात् उसे बिना नोटिस व जाँच के सेवा से पृथक नहीं किया जा सकता। अप्रार्थी का यह कथन कि प्रार्थी 2-7-84 से स्वयं ही कार्य पर उपस्थित नहीं हुआ था इस सम्बन्ध में भी यह स्पष्ट है कि यदि प्रार्थी गैरहाजिर हो गया था तो उसे उस हेतु नोटिस देकर नियमानुसार सेवा से पृथक किया जाना चाहिए था। अप्रार्थी प्रतिनिधि ने बहस के दौरान यह स्वीकार किया है कि प्रार्थी को सेवा पृथक से पूर्व नोटिस व मुआवजा नहीं दिया गया है जो नियमानुसार उसे दिया जाना चाहिए था।

12. प्रार्थी का यह कहना है कि वह विकलांग हो गया था व उसे नियमानुसार विकलांग कोटे में समायोजित किया जाना चाहिए था। इस सम्बन्ध में उक्त रेलवे मैनुअल के पैरा सं. 2511 (बी) में यह प्रावधान है कि आकस्मिक श्रमिक जिसको कि अस्थायी दर्जा दिया जा चुका है, उसे स्थायी तब तक नहीं किया जायेगा जब तक कि वह इस हेतु गठित नियमित चयन मण्डल द्वारा चयनित नहीं कर लिया जाता, किन्तु साथ ही यह भी प्रावधान है कि इसे अन्य के मुकाबले प्राथमिकता दी जायेगी। इन्हीं नियमों में यह भी प्रावधान है कि इसकी चिकित्सीय जाँच भी करायी जायेगी।

13. प्रार्थी की ओर से तत्कालीन रेलवे मैनुअल के अध्याय XIII की ओर भी मेरा ध्यान आकर्षित किया गया है। उसमें इस सम्बन्ध में प्रावधान है कि रेलवे कर्मचारी चिकित्सीय आधार पर अयोग्य हो जाये तो उसे किस तरह से सेवा में रखा जाये अथवा हटाया जाय। इसी मैनुअल के पैरा सं. 1304 (बी) में अस्थायी कर्मचारियों के अयोग्य होने के सम्बन्ध में प्रावधान दिया गया है। जो कर्मचारी ऐसी परिस्थिति में अयोग्य हो जबकि वह रेलवे का कार्य कर रहा हो और जो कर्मचारी रेलवे का कार्य करते हुए अयोग्य नहीं हुआ हो, इन दोनों परिस्थितियों में कर्मचारी को किस तरह से रेलवे सेवा में समायोजित किया जायेगा, दिया गया है। इस सम्बन्ध में कोई विवाद नहीं है कि प्रार्थी रेलवे का कार्य करते समय विकलांग नहीं हुआ था बल्कि अन्य परिस्थिति में विकलांग हुआ था और पैरा 1304 (2) (B) के अनुसार ऐसी परिस्थिति में रेलवे अधिकारियों/प्रशासन पर प्रार्थी को वैकल्पिक पद पर नियुक्ति देना Strictly Obligatory नहीं है, किन्तु

रेलवे प्रशासन को इस हेतु उसे 6 माह का वैतनिक अथवा अवैतनिक अवकाश स्वीकृत कर उसके योग्य वैकल्पिक नियोजन ढूँढने का प्रयत्न करना चाहिए। यह स्पष्ट है कि अप्रार्थी के द्वारा ऐसा नहीं किया गया है, अतः प्रार्थी की सेवा मुक्ति अनुचित एवं अवैध होना पायी जाती है।

14. प्रार्थी के द्वारा प्रस्तुत न्यायदृष्टांत “(1992) 2 एस. सी. (एल एण्ड एस) 611-यूनियन आफ इण्डिया बनाम बसन्तलाल एवं अन्य” अस्थायी दर्जा दिये जाने के सम्बन्ध में है, जिसमें प्रतिपादित सिद्धांत में कोई विवाद नहीं है। न्यायदृष्टांत “सिविल अपील नं. 2280/2000 नरसिंह पाल बनाम यूनियन आफ इण्डिया निर्णय दि. 29/3/2000 (मा. उच्चतम न्यायालय)” प्रस्तुत किया गया है। यह मामला कर्मचारी को बिना जाँच के हटाने के सम्बन्ध में है, जिसमें प्रतिपादित सिद्धांत में भी कोई विवाद नहीं है।

15. प्रार्थी का यह कथन है कि उसे सम्पूर्ण लाभों सहित सेवा में पुनर्स्थापित किया जाये, जबकि अप्रार्थी का यह कथन है कि प्रार्थी को वर्ष 84 में सेवा से हटा दिया गया था तथा उसने यह मामला वर्ष 91 में देरी से उठाया है। यह प्रार्थी पर Strictly obligatory नहीं है कि वह प्रार्थी को सेवा में रखे। प्रार्थी को 20 साल से भी अधिक सेवा से हटे हुए हो गए हैं और वह किसी कार्य के योग्य नहीं है, अतः उसे सेवा में पुनर्स्थापित करने के स्थान पर एकमुश्त मुआवजा राशि दिला दी जाय। उन्होंने अपने कथन समर्थन में न्यायदृष्टांत “2005 (105) एफ.एल.आर. 114 (एस.सी.) हरियाणा स्टेट को-आप. लैण्ड डवलपमेन्ट बैंक बनाम नीलम” प्रस्तुत किया है जिसमें माननीय उच्चतम न्यायालय ने निम्न अभिमत प्रकट किया है:-

“Labour Court-Jurisdiction-Power-Industrial Court, like any other Court must be held to have same discretion-In the matter of granting relief- Once an order of termination is held to be bad-Labour Court is not bound to grant relief to workman-Grant of relief depends upon facts of each case.”

16. यह स्पष्ट है कि प्रार्थी के सेवा में गैंगमैन के पद पर योग्य नहीं पाये जाने पर नियमानुसार अप्रार्थी उसके लिए वैकल्पिक नियोजन देने के लिए (Strictly obligatory) बाध्य नहीं था। यह भी स्पष्ट है कि प्रार्थी ने अपना मामला देरी से उठाया है और उसे सेवा से हटे 20 साल से अधिक का समय हो गया है और वह नियमित कर्मचारी नहीं था, अस्थायी दर्जा प्राप्त कर्मचारी था तथा उसके द्वारा स्वयं पुलिस में दिये गये बयानों के अनुसार वह मूंगफली का ठेला लगाता है, ऐसी स्थिति में माननीय उच्चतम न्यायालय के उक्त न्याय दृष्टांत “2005 (105) एफ.एल.आर. 114 तथा अन्य न्यायदृष्टांत 2001 एआई आर-एससीडब्ल्यू. 2426-डालचन्द बनाम श्रम न्यायालय, 2005 (4) (आर.डी.डी.) राज. 948 (डीबी)-स्टेट आफ् राज. बनाम रमेश कुमार एवं आर.एल.आर. 2005 (1) पृष्ठ 240-अर्जुनसिंह बनाम श्रम न्यायालय, जोधपुर एवं अन्य” में प्रतिपादित न्यायासिद्धांतों के आधार पर प्रार्थी को सेवा में पुनर्स्थापित करने के स्थान पर मुआवजे स्वरूप एकमुश्त राशि दिलाया जाना उचित होगा। अतः सभी तथ्यों, परिस्थितियों व विधिक स्थिति को दृष्टिगत रखते हुए प्रार्थी को एकमुश्त 40,000 रु. की राशि मुआवजा स्वरूप दिलवाया जाना उचित समझा जाता है।

परिणामतः भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा सम्प्रेषित रेफरेन्स को अधिनिर्णित कर इस प्रकार उल्लंघित किया जाता है कि अप्राथी प्रबन्धन, वेस्टर्न रेलवे, कोटा द्वारा प्राथी श्रमिक छोटेलाल पुत्र श्री छोखेलाल को दिनांक 2-7-84 से सेवा से पृथक करना अनुचित एवं अवैध है। प्रकरण के तथ्यों, समस्त परिस्थितियों व विधिक स्थिति को दृष्टिगत रखते हुए प्राथी श्रमिक सेवा में पुनर्स्थापित होने के स्थान पर मुआवजा स्वरूप एकमुश्त 40,000 रु. की राशि अप्राथी नियोजक से प्राप्त करने का अधिकारी है।

के. के. गुप्ता, न्यायाधीश

नई दिल्ली, 22 दिसम्बर, 2006

का.आ.118.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-1, नई दिल्ली के पंचाट (संदर्भ संख्या 61/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-2006 को प्राप्त हुआ था।

[सं. एल-12012/386/94-आई आर(बी-II)]
राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 22nd December, 2006

S.O. 118.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 61/95) of the Central Government Industrial Tribunal-cum-Labour Court No.-1, New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 21-12-2006.

[No. L-12012/386/94-IR (B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI SANT SINGH BAL, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO.1, NEW DELHI

I. D. No. 61 of 1995

In the matter of dispute between :

Shri Mata Prasad son of Shri Phari,
Resident of House No. 148, B. C. Line,
Meerut Cantt., Meerut
Through the Secretary,
U. P. Bank Workers Federation,
H. No. 276, Mohalla Bakri Lal Kurti,
Meerut Cantt.

.....Workman

Versus

The Assistant General Manager,
Allahabad Bank,
D-20, Shastri Nagar, Meerut City.

.....Management

APPEARANCES

Workman in person with his A/R
Shri Inderjeet Singh.
Shri K. Raja Kumar, Manager Law,
Zonal Office, Meerut.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/386/94-IR (B-II) dated 15th May, 1995 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether Shri Mata Prasad, Driver was an employee of the Allahabad Bank Meerut ? If so, whether the action of the Bank Management in terminating his services w.e.f. 15-2-1993 is legal and justified ? If not to what relief is Shri Prasad entitled ?”

2. Brief facts of this case as culled from record are that the workman (applicant) claims that he was appointed as Driver on 15th of June, 89 by the respondent to drive his car provided to its Regional Manager. The said car was owned by Allahabad Bank and this vehicle was used for looking after in its different branches within the territorial jurisdiction within the Meerut Region of West District U.P. comprising of many districts of western U. P. for banks business such as vehicle was also used for cash remittance supplying stationery, meetings, seminars, conferences organized to customers and staff etc. and it was under the overall control of its Manager. The applicant was in continuous and uninterrupted service of the bank for about 3 years and 8 months and had completed more than 240 days in consecutive twelve months for the years 1989-90, 1990-91, 1991-92 and 1992-93 and has worked and completed more than 240 days in consecutive 12 months during the each year of the said period and industrial dispute was raised before the Labour Commissioner Central, Dehradun wherein conciliation proceeding resulted in failure and thus dispute between the parties resulted in the above reference. He was not given any formal order. His services were utilized in the bank as subordinate staff when driving was not required. His services were terminated on 14-2-93 without compliance of provisions contained in the I.D. Act, 1947 without giving notice etc. and his termination is illegal and he claims reinstatement with continuity of service and arrears of back wages and difference of past wages as per rules.

3. The case has been contested by the management by filing written statement raising the following pleas that the case is not maintainable on the ground that the claimant is not a workman under Section 25 F of the I.D. Act and there does not exist relationship of employer and employee between him and the replying respondent and he was not appointed by the respondent bank as claimed; that there exist no industrial dispute between him and the respondent bank. There is no nexus between him and the respondent and present reference is without jurisdiction. The respondent has no direct control over the petitioner claimant.

4. On merits it is denied that the petitioner was appointed by the management as alleged on 15-6-89. However, it is not disputed that car bearing No. WME-754 was provided to the Regional Manager, Allahabad Bank, Meerut out of the perquisites he was entitled to. The said car has been provided to the Regional Manager, Meerut as perquisite at his sole discretion as to how, when and where to use the same. He was also entitled to reimbursement of personal driver's salary provided he does not drive the car himself and opt to employ a personal driver. It is denied that the car used by the Regional Manager for looking after and supervising Bank's business under his territorial jurisdiction of Meerut region. It is stated that whatever allowance Regional Manager was drawing from the bank towards personal driver. Salary sum was paid by him to the petitioner. It is denied that there was separate attendance register for the Claimant and he was under supervision and control of the respondent bank as claimed. He has no concern with the answering bank. It is denied that the workman has been in the employment of the respondent during the period of three years as claimed by him. However, the dispute was raised before Labour Commissioner which resulted in this reference. It is also stated that he was not selected or appointed and question of giving him formal appointment does not arise. It is denied that his services were utilized as subordinate staff as its driver. The other allegations that his services were terminated by the bank are also denied. It is denied that any unfair labour practice was adopted as stated and any violation of provisions of law, statutory provisions were committed. It is also stated that the provisions of Award, Bipartite Settlement are not applicable to the workman Shri Mata Pd. He being not employee of the respondent, however, the same are applicable to the subordinate staff and are not applicable to those who had never been in the employment of answering bank and it is denied that he was entitled to any other benefits or available to him which are admissible to the employees of the bank. Allegation of discrimination is also denied as wrong. It is denied that he is bona fide workman belonging to the subordinate cadre on the basis of work performance, muster roll record, FIR. It is stated that the reference is without jurisdiction and the workman is not entitled to any relief.

5. Written statement was followed by replication wherein the contents mentioned in the claim statement were reiterated to be correct while the disputed pleas of the written statement were refuted.

6. Thereafter following issues were framed :—

1. Whether the enquiry is fair and proper ?
2. Relief.

7. Respondent management examined Shri Suresh Kumar, Officer of the management in support of its case that the workman was not its employee and was not under its control and the vouchers of payment of salary and medical bills etc., which are not in the name of the employees but in

the name of Shri R.C. Sharma, Regional Manager of the respondent do not prove that the case of the workman that he was being paid by the bank being its employee. In his cross examination Shri Suresh Kumar MW1 stated after much insistence that owner of the car as per registration was Allahabad Bank. Car was allotted to Regional Manager for official functions, maintenance of the car and petrol etc. was supplied by the management. No uniform was supplied to the workman, Mata Pd. nor medical expenses. Money was paid for reimbursement to the workman through Regional Manager. On 10-5-91 the car met with the accident when it was going from Gahaziabad to Meerut. R.M. T.P. Singh, Senior Manager was in the car. The workman was working with the R.M. since June, 89. After closure of management evidence workman adduced his evidence by filing affidavit Ex. WW1/1 in support of his claim averring therein that he was employed as Driver with the respondent bank as claimed and in cross examination he stated that no appointment letters were issued to him by the bank. His name was not recommended by Employment Exchange for the post of Driver. He did not give anything. He denied the suggestion that he was driver of Regional Manager of the Bank. After closure of evidence of both the parties Shri Inderjeet Singh A/R for the workman and Shri K. Raja Kumar, Law Officer of the management addressed arguments and written submissions were filed.

8. Learned A/R for the workman has contended that the workman was paid his wages/salary by the respondent bank through the Manager and even payment of his medical bill was made by the respondent and that the workman performed duties in connection with the business of the respondent bank and as such he is the employee of the respondent and nature of job performed by the claimant shows that he is the workman within the definition of the I.D. Act and that he was under the complete control of the Manager and as Officer of the bank and as such he was under the control of the respondent bank and his service has been terminated in contravention of the provisions of the I.D. Act and workman is entitled to the reinstatement with full back wages as claimed. Ld. A/R for the workman has relied upon the following decisions reported in 2005(105) 383 captioned as Bank of Baroda Vs. Chemarbhaj Harjibhai Rabari in Civil appeal No. 4396 of 2003, (2) 2004 II LLJ page 500 captioned BASF India Limited and another Vs. M. Gurusamy and Another in OOCJA No.472/1995 in WP No.1891/12990 dated 15-1-2004, (3) 2005(105)FLR 386 by Allahabad High Court in writ petition No. 54221/2002 captioned Moti Lal Nehru Farmers Training Institute (Cordet) Vs. Presiding Officer, Labour Court, Allahabad and others. On the contrary learned A/R for the management Shri K. Raja Kumar has refuted the above contentions of the workman contending that workman was the personal driver of the Branch Manager Shri R. C. Sharma and that there is no nexus/ relationship of master and servant between him and the respondent management and he is not the workman as

defined in the I. D. Act and he is also not under the control of the respondent management nor he performed duties in connection with the functioning of the bank. He has referred to the decisions reported in 2001 (89) FLR 695 Delhi High Court in CWP No. 7547 of 1999 on 4-1-2001 in *Sree Bhagwan Vs. National Housing Bank and Others*, (2) 1978 Supreme Court Cases (L&S) 353 *Punjab National Bank Vs. Ghulam Dastagir*, (3) FLR 1998 (79) in CMWP No. 4572 of 1983 captioned *M/s Singer Sewing Machine Co. Vs. P.O. Labour Court IV, Kanpur* (4) *Standard Chartered Bank Vs. Asstt. Labour Commissioner (Central) and Ors.* By High Court of Calcutta in Case No. 971/1990 dated 5-12-91 reported in LLJ, page 792.

9. I have given my thoughtful considerations to the contentions raised on either side and perused the record meticulously.

10. It is not disputed that the workman worked as a driver on the car of the Regional Manager of Allahabad Bank of Meerut Branch of the respondent Bank of Western U.P. for Allahabad Bank and from photo copies of vouchers dated 26-9-96, that the payment of wages has been made to Shri R.C. Sharma the then Regional Manager for the respondent bank and the workman has also placed on record photo copy of Extract of Attendance Register Ex. M1/1 to 30 and vouchers dated 28-4-90 for Rs. 700, dated 1-9-90 for Rs. 750, dated 30-4-91 for Rs. 750, dated 5-9-91 for Rs. 1000, dated 9-10-91 for Rs. 1116, dated 30-11-91 for Rs. 1060, dated 31-1-92 for Rs. 1060, 29-2-92 for Rs. 1060, dated 26-3-92 for Rs. 1060, 2-5-92 for Rs. 636, dated 27-6-92 for Rs. 1060, dated 1-8-92 for Rs. 1060, 3-9-92 for Rs. 1060, 24-9-92 for Rs. 1250, dated 6-11-92 for Rs. 1310, dt. 26-11-92 for Rs. 1310, 5-1-93 for Rs. 1310, 30-3-93 for Rs. 1310, 31-5-90 for Rs. 361.30, 3-7-90 for Rs. 450, 1-8-90 for Rs. 750, 1-11-90 for Rs. 750, 30-5-92 for Rs. 1060, 1-12-90 for Rs. 423.35p, and 27-2-91 for Rs. 750. But there is nothing to show that these are extracts/pages from the attendance register maintained by the respondent bank. The same is in the name of B. D. Tewari, R. C. Aggarwal, J. N. Varun, K. K. Gupta, K. G. Gupta, L. S. Prajapati, C. P. Wadhwa, S. K. Khanna, Johar Singh, A. S. Negi, Anil Kumar, Pradeep Kumar, Narender Singh, Ramkumar Rana, B. D. Tewari, R. C. Aggarwal, J. N. Varun, K. K. Gupta, K. G. Gupta, L. S. Prajapati, C. P. Wadhwa, S. K. Khanna, Johar Singh, A. S. Negi, Anil Kumar, Ram Kumar, Narender Singh, Rajpal Singh B. D. Tewari. The workman has also claimed that he was injured in an accident and medical expenses were paid by the Bank but the same has been paid to the Regional Manager Shri R. C. Sharma as mentioned. The workman has relied upon the decision of the full bench of the Supreme Court upholding the decision of the Gujarat High Court observing in the said case that the plea of the workman claimant was proved on the basis of the factual background of the case. The facts of the said case are that C. G. I. T. Ahmedabad accepted the plea of the workman claimant working as personal driver of the manager on the car allotted by the Bank of Baroda and held that the workman

was employee of the bank on the basis of the proved facts therein that the vouchers of payment was made to the workman against his signatures in the payment register maintained by the Bank of Baroda and the bank failed to adduce any evidence to explain the above said payments made on the basis of the vouchers and against his signature. It is also pertinent to mention that in this case High Court of Gujarat has also referred the Supreme Court decision rendered in *P.N.B. Vs. Gulam Dastgir* Case observing that the ratio laid down by the Apex Court in the said case was not applicable to the facts of the Bank of Baroda case *Supra* in the factual backgrounds of facts proved therein.

11. The workman has thus claimed that he was employee of the bank being driver working on the vehicle provided to the Regional Manager, Shri R.C.Sharma and his services have been illegally terminated without notice and payment of compensation and notice pay in violation of the provisions contained in Section 25 of the I.D. Act and as such he has claimed reinstatement with full back wages.

12. The bank denied the claim of the appellant that he was employed by it. It took a stand that he was not workman or employee of the bank. However, Regional Manager, Shri R.C.Sharma was allotted a car and he has an option to employ a driver to drive the car in case he was unable to do so and he was entitled to reimbursement of the wages paid to the driver employed on the car perquisites this there existed no relationship of employer and employee between the claimant workman and the workman was not under the control of the bank of did not perform duties in connection with the work of the bank through Shri R. C.Sharma, General Manager.

13. Out of the above following facts stands proved on the basis of averments and evidence adduced by both the parties in this case :—

- (1) that Shri R.C. Sharma, Regional Manager of the respondent bank was allotted a car by the bank in connection with the work of the bank.
- (2) that the claimant worked as a driver on the said car.
- (3) that the wages paid to the workman were reimbursed to Shri R. C. Sharma, Regional Manager by the respondent bank and that on one occasion the workman got injured and the amount incurred towards his medical expenses were paid/reimbursed to said Shri R. C.Sharma General Manager. The question which arise for consideration in this case whether the claimant can be held to be workman of the respondent bank as he performed duties in connection with the work of the bank through Shri R. C. Sharma, General Manager. This question has been dealt with by the Supreme Court in the case captioned *Punjab National Bank Vs. Gulam Dastgir* wherein it was observed by the Supreme Court that it is not unusual for public sector industry or a nationalized banking institution to give allowances to its high level officers leaving it to them to engage

the services of drivers or others for fulfilling the needs for which the allowances are meant. In this view, we are clear that the award fails as it is unsupportable. We, therefore, reverse the award.

14. The full bench decision of the Supreme Court in Bank of Baroda case supra is distinguishable on the factual back ground and proved facts therein. In the said case respondent failed to adduce any evidence. In the said case it was proved that the payment was made by the respondent bank and the payment register was also signed by the workman. Thus on this factual background the claimant/workman held to be employee of the bank of Baroda. But in the instant case facts are distinguishable from the said Bank of Baroda case as the payment of wages paid to the driver were made to Regional Manager Shri R.C. Sharma by way of perks and the extracts of pages of attendance register allegedly maintained by the Bank were not proved i.e. to say that the workman failed to prove that the bank maintained any attendance register where he put his attendance or that he was in any way under the control of the Bank and performed any duties, functions in connection with the business of the bank except that he worked as a driver of the bank General Manager who was reimbursed the payment of wages made to the driver/workman by way of perks. The Division bench of Supreme Court in Ghulam Dastgir has taken judicial notice of the fact that the perks paid to the senior officers of the nationalized bank are usually provided allowances to engage service of drivers by way of perks. It is pertinent to refer to the observations made therein that "it is not unusual for public sector industry or a nationalized banking institution to give allowances to its high level officers leaving it to them to engage the services of drivers or others for fulfilling the needs for which the allowances are meant. In this view, we are clear that the award fails as it is unsupportable. We, therefore, reverse the award." It is pertinent to mention here that the decision rendered by the Division Bench of the Supreme Court has not been overruled by the full bench decision in the Bank of Baroda case supra and thus the ratio laid down therein still holds good in the absence of any proof that the claimant was the workman and employee of the respondent and there is also no evidence that he was terminated by the respondent bank. His engagement came to an end with the superannuation of his employment General Manager The respondent bank is not under obligation to treat the claimant as its employee. There is also no material on record to show that respondent adopted any unfair labour practice.

15. In view of the above discussions I am of the opinion that the workman is not the driver of the respondent Allahabad Bank. The claimant is not entitled to the relief claimed. The reference is thus answered. Award is accordingly passed.

Dated 15-12-2006

S. S. BAL. Presiding Officer

नई दिल्ली, 26 दिसम्बर, 2006

का.आ 119.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गैरिसन इंजीनियर, एम.ई.एस. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोच्ची के पंचाट (संदर्भ संख्या 44/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-12-2006 को प्राप्त हुआ था।

[सं. एल-14012/52/2003-आई. आर (डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 26th December, 2006

S.O. 119.— In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 44/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Kochi as shown in the Annexure in the industrial dispute between the employers in relation to the management of Garrison Engineer MES and their workmen, which was received by the Central Government on 26-12-2006.

[No. L-14012/52/2003-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

PRESENT:

Shri P. L. Norbert, B. A., L.L.B., Presiding Officer

(Monday the 11th day of December, 2006/

20th Agrahayana, 1928)

I.D. 44/2006

(I. D. 18/2004 of Labour Court, Ernakulam)

Workman

D. Anil Kumar
Erazhamadam
Pallana P.O. Alapuzha

Management

The Garrison Engineer, E/M
Military Engineering Service,
Naval Base Kochi -682 004.

Adv. Shri K.S. Dilip.

AWARD

This is a reference made by Central Government under Section 10 (1) (d) of Industrial Disputes Act, 1947 for adjudication. The reference is:—

"Whether the contract awarded by the management of Garrison Engineer, E/M, Military Engineering Service, Naval Base, Southern Naval Command, Cochin to M/s Chittoor Engineering Industries is sham? If so, whether the demand of Shri D. Anil Kumar, workman for regular absorption in the establishment of the Garrison Engineer, E/M, Military Engineering

Service, Naval Base, Southern Naval Command, Cochin is justified? If so, to what relief the workman is entitled?"

2. When the matter came up for consideration the learned counsel for the worker reported that he had no instructions from the party. Name of worker was called and he was absent. In the circumstances it has to be presumed that there is no existing dispute.

3. In the result, an award is passed finding that the contract awarded by the management to M/s Chitoor Engineering Industries is genuine and the worker, Shri D. Anil Kumar is not entitled for regularization in the management establishment, M/s Garrison Engineers, E/M Military Engineering Service, Naval Base, Southern Naval Command, Cochin. No cost. The award will take effect one month after its publication in the official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 11th day of December, 2006.

APPENDIX: NIL

P. L. NORBERT, Presiding Officer

APPENDIX: NIL

नई दिल्ली, 26 दिसम्बर, 2006

का.आ 120.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट (संदर्भ संख्या 271/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-12-2006 को प्राप्त हुआ था।

[सं. एल-22012/438/1999-आई. आर. (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 26th December, 2006

S.O. 120.— In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 271/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial dispute between the management of SECL and their workman, which was received by the Central Government on 26-12-2006.

[No. L-22012/438/1999-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI A. N. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR-COURT, NAGPUR.**

Case No. NGP/271/2000

Date 07-12-2006

Petitioner : Shri Shivanandan Sahu

Party No.1 Through the Secretary, Samyukta Koyla Mazdoor Sangh (AITUC), C/o SECL, Balagi Branch, PO. Balagi colliery, Dist. Korba (MP).

Versus

Respondent : The Sub Area Manager,

Party No.2 Balagi Project, South Eastern Coalfields Ltd., PO. Balagi Colliery, Dist. Korba (MP) 495 455.

AWARD

(Dated: 7th December 2006)

1. The Central Government after satisfying the existence of disputes between Shri Shivanandan Sahu Through the Secretary, Samyukta Koyla Mazdoor Sangh (AITUC), C/o SECL, Balagi Branch, PO. Balagi colliery, Dist. Korba (MP) Party No.1 and The Sub Area Manager, SECL, Balagi Project, South Eastern Coalfields Ltd., PO. Balagi Colliery, Dist. Korba (MP) 495 455 Party No.2 referred the same for adjudication to this Tribunal vide its Letter No. L-22012/438/99-IR (C-II) dt. 05-09-2000 under clause (d) of sub Section (1) and sub Section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the action of the management of Balagi Project, SECL, in denying promotion to Shri Shivanandan Sahu, in Cat. IV, w.e.f. 05-12-1994, i.e. the date from which his junior, Shri Ghanshyam Tripathi was given promotion in Cat. IV is justified? If not to what relief the workman is entitled?"

3. The dispute came up for hearing on 07-12-2006 today the case is fixed for Cross examination of the workman nobody either on petitioner side or from the management is present. The perusal of record indicates that nobody is attending the court on behalf of the petitioner right from 2002 and most precisely from 29-04-2002. On that day the representative of the management was present for cross-examining the Petitioner. However, the petitioner was absent and the case was adjourned for the cross-examination of the petitioner himself. Later on the Petitioner never turned to the court and the case continued for cross-examination of the petitioner right from April 2002. The counsel for the respondent occasionally appeared today he was present, but the Petitioner did not attend the court and offered himself for the cross-examination. Thus it is pending for the cross-examination for more than 4 years. I do not think it proper to continue for the same purpose even after lapse of the consideration period. There are no reason also for keeping it unnecessarily pending as the parties are not taking any interest. In such circumstances the petition is disposed of for default of the petitioner. Its stands as dismissed. No order has to be passed. Hence the dispute is answered that the action of the management is proper and the petitioner is not entitled for any relief.

Hence this award.

Dated : 07-12-2006

A. N. YADAV, Presiding Officer

नई दिल्ली, 26 दिसम्बर, 2006

का.आ 121.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट (संदर्भ संख्या 188/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-12-2006 को प्राप्त हुआ था।

[सं. एल-22012/444/1999-आई. आर. (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 26th December, 2006

S.O. 121.— In Pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 188/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the management of SECL and their workman, which was received by the Central Government on 26-12-2006.

[No. L-22012/444/1999-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI A. N. YADAV PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, NAGPUR.**

Case No. NGP/188/2000

Date 07-12-2006.

Petitioner : Shri Niranjana Lakhra,
Party No.1 Through Shri Rajesh Pandey, Secretary,
Samyukta Koyla Mazdoor Sangh
(AITUC), C/o SECL, Balaji Branch, Po.
Balaji Colliery, Dist. Korba (MP) 495455.

Versus

Respondent : The Sub Area Manager,
Party No.2 : SECL, Balaji Project, Po. Balaji
Colliery, Dist. Korba (MP) 495 455.

AWARD

(Dated: 7th December 2006)

1. The Central Government after satisfying the existence of disputes between SHRI NIRANJAN LAKHRA, Through Shri Rajesh Pandey, Secretary, Samyukta Koyla Mazdoor Sangh (AITUC), C/o SECL, Balaji Branch, Po. Balaji colliery, Dist. Korba (MP) Party No.1 and THE SUB AREA MANAGER, SECL, Balaji Project, Po. Balaji Colliery, Dist. Korba (MP) 495 455 Party No.2 referred the same for adjudication to this Tribunal vide its Letter No. L-22012/444/99-IR (C-II) Dt. 28-06-2000 under clause (d) of sub Section (1) and sub Section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the action of the management of Balaji Project, SECL, in denying promotion to Shri Niranjana Lakhra,

in Cat. IV, w.e.f. 05-12-1999, i.e. the date from which his junior, Shri Ghanshyam Tripathi was given promotion in Cat. IV is justified? If not to what relief the workman is entitled?"

3. The dispute came up for hearing on 07/12/2006 today the case is fixed for Cross examination of the workman nobody either on petitioner side or from the management is present. The perusal of record indicates that nobody is attending the court on behalf of the petitioner right from 2002 and most precisely from 29-04-2002. On that day the representative of the management was present for cross-examining the Petitioner. However, the petitioner was absent and the case was adjourned for the cross-examination of the petitioner himself. Later on the Petitioner never turned to the court and the case continued for cross-examination of the petitioner right from April 2002. The counsel for the respondent occasionally appeared today he was present, but the Petitioner did not attend the court and offered himself for the cross-examination. Thus it is pending for the cross-examination for more than 4 years. I do not think it proper to continue for the same purpose even after lapse of the consideration period. There are no reason also for keeping it unnecessarily pending as the parties are not taking any interest. In such circumstances the petition is disposed of for default of the petitioner. Its stands as dismissed. No order has to be passed. Hence the dispute is answered that the action of the management is proper and the petitioner is not entitled for any relief.

Hence this award.

A. N. YADAV, Presiding Officer

Dated: 07-12-2006

नई दिल्ली, 26 दिसम्बर, 2006

का.आ 122.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 187/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-12-2006 को प्राप्त हुआ था।

[सं. एल-22012/448/1999-आई. आर. (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 26th December, 2006

S.O. 122.— In Pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 187/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 26-12-2006.

[No. L-22012/448/1999-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE**BEFORE SHRI A. N. YADAV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, NAGPUR****Case No. NGP/187/2000****Date 07-12-2006.**

Petitioner : Shri Dinesh Singh,
Party No.1 Through Shri Rajesh Pandey, Secretary,
 Samyukta Koyla Mazdoor Sangh
 [AITUC], C/o SECL, Balaji Branch, Po.
 Balaji Colliery, Dist. Korba [MP] 495455.

Versus

Respondent : The Sub Area Manager,
Party No.2 : SECL, Balaji Project, PO. Balaji Colliery,
 Dist. Korba [MP] 495 455.

AWARD**Dated: 7th December 2006**

1. The Central Government after satisfying the existence of disputes between Shri Dinesh Singh, Through Shri Rajesh Pandey, Secretary, Samyukta Koyla Mazdoor Sangh [AITUC], C/o SECL, Balaji Branch, Po. Balaji Colliery, Dist. Korba [MP] Party No.1 and THE SUB AREA MANAGER, SECL, SECL, Balaji Project, Po. Balaji Colliery, Dist. Korba [MP] 495 455 Party No.2 referred the same for adjudication to this Tribunal vide its Letter No. L-22012/448/99-IR (C-II) Dt. 23-06-2000 under clause (d) of sub Section (1) and sub Section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the action of the management of Balaji Project, SECL, in denying promotion to Shri Dinesh Singh, in Cat. IV, w.e.f. 05-12-1999, i.e. the date from which his junior, Shri Ghanshyam Tripathi was given promotion in Cat. IV is justified? If not to what relief the workman is entitled?"

3. The dispute came up for hearing on 07-12-2006 today the case is fixed for Cross examination of the workman nobody either on petitioner side or from the management is present. The perusal of record indicates that nobody is attending the court on behalf of the petitioner right from 2002 and most precisely from 29-4-2002. On that day the representative of the management was present for cross-examining the Petitioner. However, the petitioner was absent and the case was adjourned for the cross-examination of the petitioner himself. Later on the Petitioner never turned to the court and the case continued for cross- examination of the petitioner right from April 2002. The counsel for the respondent occasionally appeared today he was present, but the Petitioner did not attend the court and offered himself for the cross-examination. Thus it is pending for the cross-examination for more than 4 years. I do not think it proper to continue for the same purpose even after lapse of the

consideration period. There are no reason also for keeping it unnecessarily pending as the parties are not taking any interest. In such circumstance~ the petition is disposed of for default of the petitioner. Its stands as dismissed. No order has to caused. Hence the dispute is answered that the action of the management is proper and the petitioner is not entitled for any relief.

Hence this award.

A. N. YADAV, Presiding Officer

Dated : 7-12-2006**नई दिल्ली, 26 दिसम्बर, 2006**

का.आ. 123.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 17/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-12-2006 को प्राप्त हुआ था।

[सं. एल-22012/92/2003-आई आर (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 26th December, 2006

S.O. 123.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 17/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the management of Ballarpur sub Area of Western Coalfields Ltd., and their workman, received by the Central Government on 26-12-2006.

[No. L-22012/92/2003-IR (CM-II)]

AJAY KUMAR, GAUR, Desk Officer

ANNEXURE**BEFORE SHRI A. N. YADAV PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, NAGPUR****Case No. NGP/17/2004****DATE : 11-12-2006**

Petitioner : Shri Vikas Lahaun
 Duryodhan
Party No. 1 Through Shri Nandlal Varma,
 President, Rashtriya Koyla Khadan
 Mazdoor Sangh, Balarpur Colliery,
 New Miners Qrt. 79/2, Po. & Tah.
 Ballarpur, Chandrapur (M.S.)

VERSUS

Respondent : The Sub Area Manager, Ballarpur
Party No. 2 Sub Area of Western Coalfields
 Limited Post & Tah. Ballarpur, Dist.
 Chandrapur, Chandrapur (M.S.)

AWARD

Dated : 11th December, 2006

1. The Central Government after satisfying the existence of disputes between Shri Vikas Lahanu Duryodhan, Through Shri Nandlal Varma, President, Rashtriya Koyla Khadan Mazdoor Sangh, Ballarpur Colliery, New Miners Ort. 79/2, Po. & Tah. Ballarpur, Chandrapur (M.S.) Party No. 1 and The Sub Area Manager, Ballarpur Sub Area of Western Coalfields Limited Post & Tah. Balarpur, Dist. Chandrapur, Chandrapur (M.S.) Party No. 2 referred the same for adjudication to this Tribunal vide its Letter No. L-22012/92/2003-IR (CM-II) Dt. 30-01-2004 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the action of the management in Ballarpur Colliery 3 & 4 pits of was in dismissing from service Shri Vikas Lahanu Duryodhan, General Mazdoor vide office Order No. WCL/BA/BC/22/Area/171, dated 20-04-1999 is legal and justified? If not to what relief the workman is entitled to?"

3. The dispute came up for hearing on 11-12-2006 today the case is fixed for filing of Statement of Claim of the workman. Nobody on petitioner side is present. The perusal of record indicates that nobody is attending the court on behalf of the petitioner right from the receipt of the dispute. The notices were issued to both the parties on 23-09-2005, still nobody is appearing in the court. Even the Statement of Claim is not filed by the petitioner till today. There are no reasons to keep the dispute pending for filing of the Statement of Claim of the petitioner though more than a year has been elapsed. Hence it is disposed of for the default of the petitioner. It stands as dismissed and the dispute is answered in the negative, that the petitioner is not entitled for any relief as claimed by him.

Hence this award.

Dated : 11-12-2006

A. N. YADAV, Presiding Officer

नई दिल्ली, 26 दिसम्बर, 2006

का.आ. 124.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 59/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-12-2006 को प्राप्त हुआ था।

[सं. एल-22012/245/2003-आई आर (सीएम-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 26th December, 2006

S.O. 124.— In pursuance of Section 17 of the

Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 59/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the management of Western Coalfields Ltd., and their workman, received by the Central Government on 26-12-2006.

[No. L-22012/245/2003-IR (CM-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI A. N. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, NAGPUR**

CASE NO. NGP/59/2004

DATE : 08-12-2006

Petitioner : Shri R. amath, through
Party No. 1 Secretary, Bhartiya Koyla Khadan
Mazdoor Sangh (BMS) Vishwakarma
Bhawan, Post Parasia, Chhindwara.

Versus

Respondent : The General Manager,
Party No. 2 Western Coalfields Limited, Kautan
Area, Post Dungaria, Chhindwara.

AWARD

Dated : 8th December, 2006

1. The Central Government after satisfying the existence of disputes between Shri R. Kamath, Through Secretary, Bhartiya Koyla Mazdoor Sangh [BMS] Vishwakarma Bhawan, Post parasia, Chhindwara Party No. 1 and The General Manager, Western Coalfields Limited Kanhan Area, Post Dungaria, Chhindwara party No. 2 referred the same for adjudication to this Tribunal vide its Letter No. L-22012/245/2003-IR (CM-II) Dt. 13-05-2004 under clause (d) of sub section (1) and sub section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the action of the management of Balagi, Project, SECL, in denying promotion to Shri Laxmi Prasad Kalpre, in Cat. IV, w.e.f. 05-12-1999, i.e. the date from which his junior, Shri Ghanshyam Tripathi was given promotion in Cat. IV is justified? If not to what relief the workman is entitled?"

3. The dispute came up for hearing on 08-12-2006 today the case is fixed for filing of Statement of Claim of the workman. Nobody on petitioner side or from the management is present. The perusal of record indicates that nobody is attending the court on behalf of the petitioner right from the receipt of the Award. The notices were issued to both the parties, still nobody is appearing in the court. Even the Statement of Claim is not filed by the petitioner. There are no reasons to keep the dispute pending for filling of the Statement of Claim of the petitioner. Though more than a year has been elapsed. Hence it is disposed of for the default of the petitioner. Its

stands as dismissed and the dispute is answered in the negative, that the petitioner is not entitled for any relief as claimed by him.

Hence this award.

A. N. YADAV, Presiding Officer

Dated : 08-12-2006

नई दिल्ली, 26 दिसम्बर, 2006

का.आ. 125.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 14/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-12-2006 को प्राप्त हुआ था।

[सं. एल-22012/52/2003-आई. आर. (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 26th December, 2006

S.O. 125.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 14/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the management of Western Coalfields Ltd., and their workman, which was received by the Central Government on 26-12-2006.

[No. L-22012/52/2003-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI A. N. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, NAGPUR**

Case No. NGP/14/2004

Date : 11-12-2006

Petitioner : Shri Sheikh Nabi S/o
Party No. 1 Shri Sheikh Mohd.
Village-Damua No. 8 PO Damua
Dist. Chhindwara.

Versus

Respondent : The Chief General Manager,
Party No. 2 W.C. Ltd., Kanhan Area,
Post Dungaria, Dist. Chhindwara.

AWARD

Dated : 11th December, 2006

1. The Central Government after satisfying the existence of disputes between Shri Sheikh Nabi S/o Sh. Sheikh Mohd., Village-Damua No. 8, PO Damua, Dist. Chhindwara, Chhindwara, Party No. 1 and The Chief General Manager, Western Coalfields Limited Kanhan Area, Post Dungaria, Chhindwara Party No. 2 referred the same for adjudication to this Tribunal *vide* its Letter No. L-22012/52/2003-IR (CM-II) Dated 03-02-2004 under clause

(d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) with the following Schedule.

2. "Whether the action of the management of Nandan Mine No. 1, Nandan Colliery of W.C.L. Post Office Nandan, Dist. Chhindwara in terminating the services of Sh. Sheikh Nabi S/o Sheikh Mohd. Pumper of Nandan Mine w.e.f. 11-05-2001 is legal and justified? If not to what relief the workman is entitled to?"

3. The dispute came up for hearing on 11-12-2006 today the case is fixed for filing of Statement of Claim of the workman. Nobody on petitioner side is present. The management today only filed the written statement though the petitioner has not filed any Statement of Claim. The perusal of record indicates that nobody is attending the court on behalf of the petitioner right from the receipt of the dispute. The notices were issued to both the parties on 23-09-2005, still nobody is appearing in the court. Even the Statement of Claim is not filed by the petitioner till today. There are no reasons to keep the dispute pending for filling of the Statement of Claim of the petitioner though more than a year has been elapsed. Hence, it is disposed of for the default of the petitioner. It stands as dismissed and the dispute is answered in the negative, that the petitioner is not entitled for any relief as claimed by him.

Hence this award.

A. N. YADAV, Presiding Officer

Dated : 11-12-2006

नई दिल्ली, 26 दिसम्बर, 2006

का.आ. 126.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 200/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-12-2006 को प्राप्त हुआ था।

[सं. एल-22012/234/2001-आई आर (सीएम II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 26th December, 2006

S.O. 126.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 200/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the management of Western Coalfields Ltd., and their workmen, received by the Central Government on 26-12-2006.

[No. L-22012/234/2001-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE**BEFORE SHRI A. N. YADAV, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, NAGPUR****Case No. NGP/200/2002****Date : 11-12-2006**

Petitioner : Shri Ashok Babulal
 Party No. 1 Meshram
 R/o Ramgad Kamptee, Teh. Kamptee,
 Dist. Nagpur.
 Versus
 Respondent : The General Manager,
 Party No. 2 Western Coalfields Limited, Nagpur
 Area, Jaripatka, Nagpur.

AWARD**Dated : 11th December, 2006**

1. The Central Government after satisfying the existence of disputes between Shri Ashok Babulal Meshram, R/o Ramgad Kamptee, Teh. Kamptee, Dist. Nagpur Party No. 1 and The General Manager, Western Coalfields Limited, Nagpur Area, Jaripatka, Nagpur Party No. 2 referred the same for adjudication to this Tribunal vide its Letter No. L-22012/234/2001-IR (CM-II) Dt. 06-09-2002 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, (14 of 1947) with the following Schedule.

2. "Whether the action of the management of Western Coalfields Limited, through its sub-area Manager, Walni Mines, Teh. Saoner, Dist. Nagpur in dismissing the services of Sh. Ashok Babulal Meshram w.e.f. 17-12-2000 is proper, legal and justified? If not to what relief the workman is entitled?"

3. The dispute came up for hearing on 11-12-2006 today the case is fixed for filing of Statement of Claim of the workman. Nobody on petitioner side is present. However, the counsel for the management is present. He appeared intermediately, similarly the petitioner was also present on 22-06-2006. However he did not appear on the subsequent dates and filed a Statement of Claim. Today the dispute was fixed for filling of the Statement of Claim. In fact the claim is filed and received this court in the year 2003. More than 3 years are elapsed but the petitioner did not file Statement of Claim. The perusal of record indicates that nobody is attending the court on behalf of the petitioner right from the receipt of the dispute. The notices were issued to both the parties on 19-02-2003, still nobody is appearing in the court. Even the Statement of Claim is not filed by the petitioner till today. There are no reasons to keep the dispute pending for filing of the Statement of Claim of the petitioner. Hence, it is disposed of for the default of the petitioner. It stands as dismissed and the dispute is answered in the negative, that the petitioner is not entitled for any relief as claimed by him.

Hence this award.

A. N. YADAV, Presiding Officer

Dated : 11-12-2006

नई दिल्ली, 26 दिसम्बर, 2006

का.आ 127.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 78/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-12-2006 को प्राप्त हुआ था।

[सं. एल-22012/339/2003-आई. आर. (सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 26th December, 2006

S.O. 127.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 78/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the management of Rajpur Sub-Area of Western Coalfields Ltd., and their workman, which was received by the Central Government on 26-12-2006.

[No. L-22012/339/2003-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE**BEFORE SHRI A. N. YADAV, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, NAGPUR****Case No. NGP/78/2004****Date : 11-12-2006**

Petitioner : Shri Sharifuddin Bakriddin,
 Party No. 1 Through Shri Vasant Patil, Secretary,
 Lal Zanda Coal Mines Mazdoor
 Union [CITU], Br. Rajpur Sub-Area,
 R/o. & PO. Rajpur, Teh. Wani, Dist.
 Yavatmal, Yavatmal [M.S.]
 Versus
 Respondent : The Sub-Area-Manager,
 Party No. 2 Rajpur Sub Area of Western
 Coalfields Limited, PO. Rajpur, Teh.
 Wani, Dist. Yavatmal, Yavatmal
 [M.S.]

AWARD**Dated : 11th December, 2006**

1. The Central Government after satisfying the existence of disputes between Shri Sharifuddin Bakriddin, through Shri Vasant Patil, Secretary, Lal Zanda Coal Mines Mazdoor Union (CITU), Br. Rajpur Sub Area, R/o & PO. Yavatmal Rajpur, Teh. Wani, Dist. Yavatmal, (M.S.) Party

No. 1 and The Sub Area Manager, Rajur Sub Area of Western Coalfields Limited, P.O. Rajur, Tah. Wani, Dist. Yavatmal, Yavatmal [M.S.] party No. 2 referred the same for adjudication to this Tribunal vide its Letter No. L-22012/339/2003-IR (CM-II) Dt. 17-08-2004 under clause (d) of sub Section (1) and sub Section (2A) of Section 10 of Industrial Dispute Act, [14 of 1947] with the following schedule.

2. "Whether the action of the management in relation to Rajur Sub Area of Western Coalfields Limited in denying the group wages and allowance to Sh. Sharifuddin Backruddin and 18 others loaders [list enclosed] w.e.f. December 1999 is legal and justified? If not to what relief they are entitled to?"

3. The dispute came up for hearing on 11-12-2006 today the case is fixed for filing of Statement of Claim of the workman. Nobody on petitioner side is present. The perusal of record indicates that nobody is attending the court on behalf of the petitioner right from the receipt of the dispute. The notices were issued to both the parties on 23-09-2005, still nobody is appearing in the court. Even the Statement of Claim is not filed by the petitioner till today. There are no reasons to keep the dispute pending for filling of the Statement of Claim of the petitioner though more than a year has been elapsed. Hence it is disposed of for the default of the petitioner. It stands as dismissed and the dispute is answered in the negative, that the petitioner is not entitled for nay relief as claimed by him.

Hence this award.

Dated : 11-12-2006 A. N. YADAV, Presiding Officer

नई दिल्ली, 26 दिसम्बर, 2006

का.आ.128.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 64/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-12-2006 को प्राप्त हुआ था।

[सं. एल-22012/336/2003-आई. आर.(सीएम-11)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 26th December, 2006

S.O. 128.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 64/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the management of Western Coalfields Ltd., of Kanhan Area and their workman, received by the Central Government on 26-12-2006.

[No. L-22012/336/2003-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI A.N. YADAV PRESIDING OFFICER CGIT-CUM-LABOUR COURT, NAGPUR

Case No. NGP/64/2004 Date : 11-12-2006

Petitioner : Shri Vijay Kumar S/o
Shri Ramgopal,
Party No. 1 A-Type Quarter, Miners, Old
Damua, Post Damua,
Dist. Chhindwara, Chhindwara.

Versus

Respondent : The General Manager
Party No. 2 Western Coalfields Limited of
Kanhana Area, Post Dungaria,
Dist. Chhindwara.

AWARD

Dated : 11th December, 2006

1. The Central Government after satisfying the existence of disputes between Shri Vijaykumar Ramgopal, A-Type Quarter, Miners, Old Damua, Post Damua, Dist. Chhindwara, Chhindwara Party No. 1 and The General Manager, Western Coalfields Limited, Kanhan Area, post Dungaria, Dist. Chhindwara, Chhindwara Party No. 2 referred the same for adjudication to this Tribunal vide its Letter No. L-22012/336/2003-IR (CM-II) Dt. 29-06-2004 under clause (d) of sub section (1) and sub section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the action of the management of Western Coalfields Limited, in terminating the service of Shri Vijay Kumar, Tub-Loader w.e.f. 18-10-2001 is legal and justified? If not, to what relief the workman is entitled to?"

3. The dispute came up for hearing on 11-12-2006 today the case is fixed for filing of Statement of Claim of the workman. Nobody on petitioner side is present. The perusal of record indicates that nobody is attending the court on behalf of the petitioner right from the receipt of the dispute. The notices were issued to both the parties on 23-09-2005, still nobody is appearing in the court. Even the Statement of Claim is not filed by the petitioner till today. There are no reasons to keep the dispute pending for filling of the Statement of Claim of the petitioner though more than a year has been elapsed. Hence it is disposed of for the default of the petitioner. Its stands as dismissed and the dispute is answered in the negative, that the petitioner is not entitled for nay relief as claimed by him.

Hence this award.

Dated : 11-12-2006 A. N. YADAV, Presiding Officer

नई दिल्ली, 26 दिसम्बर, 2006

का.आ. 129.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 22/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-12-2006 को प्राप्त हुआ था।

[सं. एल-22012/51/2003-आई आर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 26th December, 2006

S.O. 129.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 22/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the management of Western Coalfields Limited of Kanhan Area, and their workman, received by the Central Government on 26-12-2006.

[No. L-22012/51/2003-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI A. N. YADAV PRESIDING OFFICER CGIT-CUM-LABOUR COURT, NAGPUR

Case No. NGP/22/2004 Date : 11-12-2006

Petitioner : Shri Mehtab S/o
Shri Lalman Katiya
Party No. 1 Sakin, Damua Than Damu,
Tah. Jamai, Dist. Chhindwara,
Chhindwara.

Versus

Respondent : The General Manager
Party No. 2 Western Coalfields Limited of
Kanhan Area, Post Dungaria,
Dist. Chhindwara.

AWARD

Dated : 11th December, 2006

1. The Central Government after satisfying the existence of disputes between Shri Mehtab S/o Shri Lalman Katiya Sakin, Damua Thana Damu, Tah. Jamai, Dist. Chhindwara, Chhindwara Party No. 1 and The General Manager, Western Coalfields Limited, Kanhan Area, post Dungaria, Chhindwara Party No. 2 referred the same for adjudication to this Tribunal vide its Letter No. L-22012/51/2003-IR (CM-II) Dt. 30-01-2004 under clause (d) of sub section (1) and sub section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the action of the management of Nandan Mine No. 2, Kanhan Area Dist. Chhindwara. M.P. in dismissing services of Shri Mehtab S/o Lalman, Shocktman

of Nandan Mine No. 2 w.e.f. 12-09-1994 is legal and justified? If not, to what relief the workman is entitled to?"

3. The dispute came up for hearing on 11-12-2006 today the case is fixed for filing of Statement of Claim of the workman. Nobody on petitioner side is present. The perusal of record indicates that nobody is attending the court on behalf of the petitioner right from the receipt of the dispute. The notices were issued to both the parties on 23-09-2005, still nobody is appearing in the court. Even the Statement of Claim is not filed by the petitioner till today. There are no reasons to keep the dispute pending for filling of the Statement of Claim of the petitioner though more than a year has been elapsed. Hence it is disposed of for the default of the petitioner. Its stands as dismissed and the dispute is answered in the negative. that the petitioner is not entitled for nay relief as claimed by him.

Hence this award.

Dated : 11-12-2006 A. N. YADAV, Presiding Officer

नई दिल्ली, 26 दिसम्बर, 2006

का.आ. 130.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 18/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-12-2006 को प्राप्त हुआ था।

[सं. एल-22012/54/2003-आई आर(सीएम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 26th December, 2006

S.O. 130.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 18/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the management of Western Coalfields Limited of Kanhan Area, and their workman, received by the Central Government on 26-12-2006.

[No. L-22012/54/2003-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI A. N. YADAV PRESIDING OFFICER CGIT-CUM-LABOUR COURT, NAGPUR

Case No. NGP/18/2004 Date : 11-12-2006

Petitioner : SHRI C.P. Pathak, Through the General
Party No. 1 : Secretary, MPKKMP [HMS], PO.
Junnardeo, Dist. Chinndwara,
Chhindwara.

Versus

Respondent : THE GENERAL MANAGER,
Party No. 2 Western Coalfields Limited of
Kanhana Area, Post Dungaria,
Dist. Chhindwara.

AWARD

Dated : 11th December, 2006

1. The Central Government after satisfying the existence of disputes between Shri C. P. Pathak, Through the General Secretary, MPKKMP [HMS], P.O. Junnardeo, Dist. Chhindwara, Chhindwara Party No. 1 and The General Manager, Western Coalfields Limited, Kanhana Area, Post Dungaria, Chhindwara Party No. 2 referred the same for adjudication to this Tribunal *vide* its Letter No. L-22012/54/2003-IR (CM-II) Dt. 30-1-2004 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the action of the General Manager of Kanhana Area of W.C.L, Post Office Dungaria, Dist. Chhindwara, M.P. in not making the injury payment to Sh. Chandrika Prasad Pathak S/o. Ram Dayal Pathak work supervisor (Civil) from 10-9-1995 to 9-2-1996 is legal and justified? If not, to what relief the workman is entitled to?"

3. The dispute came up for hearing on 11-12-2006 today the case is fixed for filing of Statement of Claim of the workman. Nobody on petitioner side is present. The perusal of record indicates that nobody is attending the court on behalf of the petitioner right from the receipt of the dispute. The notices were issued to both the parties on 23-9-2005, still nobody is appearing in the Court. Even the Statement of Claim is not filed by the petitioner till today. There are no reasons to keep the dispute pending for filing of the Statement of Claim of the petitioner though more than a year has been elapsed. Hence it is disposed of for the default of the petitioner. Its stands as dismissed and the dispute is answered in the negative, that the petitioner is not entitled for any relief as claimed by him.

Hence this award.

A. N. YADAV, Presiding Officer

Dated : 11-12-2006

नई दिल्ली, 26 दिसम्बर, 2006

का.आ. 131.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 290/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-12-2006 को प्राप्त हुआ था।

[सं. एल-22012/442/1999-आई आर(सी-11)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 26th December, 2006

S.O. 131.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 290/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of SECL and their workmen, which was received by the Central Government on 26-12-2006.

[No. L-22012/442/1999-IR (CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE SHRI A.N. YADAV, PRESIDING OFFICER
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. NGP/290/2000 Date : 7-12-2006

Petitioner : SHRI LAXMI PRASAD KALPRE,
Party No. 1 Through Secretary, Samyukta Koyla
Mazdoor Sangh [AITUC], C/o SECL,
Balagi Branch, P.O. Balagi
Colliery, Dist. Korba (MP) 495 455.

Versus

Respondent : THE SUB AREA MANAGER,
Party No. 2 SECL, Balagi Project, P.O. Balagi
Colliery, Dist. Korba (MP) 495455.

AWARD

Dated : 7th December, 2006

1. The Central Government after satisfying the existence of disputes between Shri Laxmi Prasad Kalpre, Through, Samyukta Koyla Mazdoor Sangh (AITUC), C/o SECL, Balagi Branch, P.O. Balagi Colliery, Dist. Korba (MP) Party No. 1 and The sub Area Manager, SECL, Balagi Project, P.O. Balagi Colliery, Dist. Korba (MP) 495 455 Party No. 2 referred the same for adjudication to this Tribunal *vide* its Letter No. L-22012/442/99-IR (C-II) Dt. 20-9-2000 under clause (d) of sub-section (1) and sub section (2A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the action of the management of Balagi Project, SECL, in denying promotion to Shri Laxmi Prasad Kalpre, in Cat. IV, w.e.f. 5-12-1999 i.e. the date from which his junior, Shri Ghanshyam Tripathi was given promotion in Cat.-IV is justified? If not to what relief the workman is entitled?"

3. The dispute came up for hearing on 07-12-2006 today the case is fixed for cross-examination of the workman nobody either on petitioner side or from the management is present. The perusal of record indicates that nobody is attending the Court on behalf of the petitioner right from 2002 and most precisely from 29-4-2002. On that day the representative of the management was present for cross-examining the Petitioner. However,

the petitioner was absent and the case was adjourned for the corss-examination of the petitioner himself. Later on the Petitioner never turned to the Court and the case continued for cross-examination of the petitioner right from April 2002. The counsel for the respondent occasionally appeared today he was present, but the Petitioner did not attend the Court and offered himself for the cross-examination. Thus it is pending for the cross-examination for more than 4 years. I do not think it proper to continue for the same purpose even after lapse of the consideration period. There are no reason also for keeping it unnecessarily pending as the parties are not taking any interest. In such circumstances the petition is disposed of for default of the petitioner. Its stands as dismissed. No order has to caused. Hence the dispute is answered that the action of the management is proper and the petitioner is not entitled for any relief.

Hence this award.

A. N. YADAV, Presiding Officer

Dated : 7-12-2006

नई दिल्ली, 26 दिसम्बर, 2006

का.आ. 132.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 262/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-12-2006 को प्राप्त हुआ था।

[सं. एल-22012/437/1999-आई आर(सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 26th December, 2006

S.O. 132.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.262/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the employer in relation to the management of SECL and their workmen, which was received by the Central Government on 26-12-2006.

[No. L-22012/437/1999-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI A. N. YADAV, PRESIDING OFFICER
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. NGP/262/2000

Date : 7-12-2006

Petitioner : SHRI NARENDRA KUMAR RATHOR,
Party No. 1 Through Secretary, Samyukta Koyla
Mazdoor Sangh (AITUC), C/o SECL,
Balagi Branch, P.O. Balagi
Colliery, Dist. Korba (MP) 495 455.

Versus

Respondent : The Sub Area Manager
Party No. 2 SECL, Balagi Project, P.O. Balagi
Colliery, Dist. Korba (MP) 495455.

AWARD

Dated 7th December, 2006

1. The Central Government after satisfying the existence of disputes between Shri Narendra Kumar Rathor, Through, Secretary Samyukta Koyla Mazdoor Sangh (AITUC), C/o SECL, Balagi Branch, P.O. Balagi Colliery, Dist. Korba (MP) Party No. 1 and THE SUB AREA MANAGER, SECL, Balagi Project, P.O. Balagi Colliery, Dist. Korba (MP) 495 455 Party No. 2 referred the same for adjudication to this Tribunal vide its Letter No. L-22012/437/99-IR(C-II) Dt. 5-9-2000 under clause (d) of sub-section (1) and sub section (2A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the action of the management of Balagi Project, SECL, in denying promotion to Shri Narendra Kumar Rathor, in Cat. IV, w.e.f. 5-12-1999 i.e. the date from which his junior, Shri Ghanshyam Tripathi was given promotion in Cat.-IV is justified? If not to what relief the workman is entitled?"

3. The dispute came up for hearing on 7-12-2006 today the case is fixed for cross-examination of the workman nobody either on petitioner side or from the management is present. The perusal of record indicates that nobody is attending the Court on behalf of the petitioner right from 2002 and most precisely from 29-4-2002. On that day the representative of the management was present for cross-examining the Petitioner. However, the petitioner was absent and the case was adjourned for the corss-examination of the petitioner himself. Later on the Petitioner never turned to the court and the case continued for cross-examination of the petitioner right from April, 2002. The counsel for the respondent occasionally appeared today he was present, but the Petitioner did not attend the Court and offered himself for the cross-examination. Thus it is pending for the cross-examination for more than 4 years. I do not think it proper to continue for the same purpose even after lapse of the consideration period. There are no reason also for keeping it unnecessarily pending as the parties are not taking any interest. In such circumstances the petition is disposed of for default of the petitioner. Its stands as dismissed. No order has to caused. Hence the dispute is answered that the action of the management is proper and the petitioner is not entitled for any relief.

Hence this award.

A. N. YADAV, Presiding Officer

Dated : 7-12-2006

नई दिल्ली, 26 दिसम्बर, 2006

का.आ. 133.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच,

अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 289/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-12-2006 को प्राप्त हुआ था।

[सं. एल-22012/439/1999-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 26th December, 2006

S.O. 133.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 289/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 26-12-2006.

[No. L-22012/439/1999-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI A. N. YADAV PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR.**

Case No. NGP/289/2000

Date 07-12-2006.

Petitioner SHRI MILAP RAM,

Party No.1 Through the Secretary, Samyukta Koyla Mazdoor Sangh [AITUC], C/o SECL, Balagi Branch, Po. Balagi colliery, Dist. Korba [MP].
Versus

Respondent THE SUB AREA MANAGER, SECL,

Party No.2 Balagi Project, Po. Balagi Colliery, Dist. Korba [MP] 495 455.

AWARD

[Dated: 7th December 2006]

1. The Central Government after satisfying the existence of disputes between SHRI MILAP RAM Through the Secretary, Samyukta Koyla Mazdoor Sangh [AITUC], C/o SECL, Balagi Branch, Po. Balagi colliery, Dist.-Korba [MP] Party-No.1 and THE SUB AREA MANAGER, SECL, Balagi Project, Po. Balagi Colliery, Dist. Korba [MP] 495 455 Party No.2 referred the same for adjudication to this Tribunal vide its Letter No. L-22012/439/99 IR (C-II) Dt. 20-09-2000 under clause (d) of sub Section (1) and sub Section (2A) of Section 10 of Industrial Dispute Act, 1947 [14 of 1947] with the following schedule.

2. "Whether the action of the management of Balagi Project, SECL, in denying promotion to Shri Milap Ram Kewat, in Cat. IV, w.e.f. 05-12-1994, i.e. the date from which his junior, Shri Ghanshyam Tripathi was given promotion in Cat. IV is justified? If not to what relief the workman is entitled?"

3. The dispute came up for hearing on 07-12-2006 today the case is fixed for Cross examination of the workman nobody either on petitioner side or from the management

is present. The perusal of record indicates that nobody is attending the court on behalf of the petitioner right from 2002 and most precisely from 29-04-2002. On that day the representative of the management was present for cross-examining the Petitioner. However, the petitioner was absent and the case was adjourned for the cross-examination of the petitioner himself. Later on the Petitioner never turned to the court and the case continued for cross-examination of the petitioner right from April 2002. The counsel for the respondent occasionally appeared today he was present, but the Petitioner did not attend the court and offered himself for the cross-examination. Thus it is pending for the cross-examination for more than 4 years. I do not think it proper to continue for the same purpose even after lapse of the consideration period. There are no reason also for keeping it unnecessarily pending as the parties are not taking any interest. In such circumstances the petition is disposed of for default of the petitioner. Its stands as dismissed. No order has to be passed. Hence the dispute is answered that the action of the management is proper and the petitioner is not entitled for any relief.

Hence this award.

Dated: 07-12-2006

A.N. YADAV, Presiding Officer

नई दिल्ली, 26 दिसम्बर, 2006

का.आ. 134.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 75/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-12-2006 को प्राप्त हुआ था।

[सं. एल-22013/1/2006-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 26th December, 2006

S.O. 134.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 75/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. SCCL and their workman, which was received by the Central Government on 26-12-2006.

[No. L-22013/1/2006-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

IN THE LOK ADALAT

(For settlement of cases relating to CGIT-cum-Labour Court at Hyderabad under Section 20 of the Legal Services Authorities Act, 1987)

Tuesday the Fifth day of December,
Two Thousand and Six

PRESENT:

1. Sri K. Ashok Babu, District Judge, : Presiding Officer

2. Sri A. K. Jayaprakash Rao, Advocate : Member
(Constituted U/s 19 of the LSA Act, 1987 by the
APSLA Order ROC No.186/LSA/2006 dt.22-8-2006)

In the matter of case No.LCID No.75/2006
PIAC. 25/2006

(on the file of CGIT-cum-Labour Court at Hyderabad)

Between:

Katta Ravinder, S/o Anandham, E.No.2358687

C/o A.Sarojana, Advocate, Flat No.G-7, Rajeswari
Gayatri Sadan, Opp:Badruka College, Kachiguda,
Hyderabad. Applicant

And

1. The General Manager, M/s S.C.Co.Ltd., Srirampur
Area, Srirampur, Adilabad Dist.

2. The Colliery Manager/SOM, RKNT Incline, M/s
S.C.Co.Ltd., Srirampur, Adilabad Dist. Respondents

This case is coming up before the Lok Adalat on
5-12-2006 for settlement in the presence of the applicant
appearing in person/represented by his counsel,
Sri K. Vasudeva Reddy, Adv. and the Respondent too, being
present in person/represented by his counsel, Sri
Advocate, on a perusal of the case record, after considering
and hearing the case of both sides and with the consent of
both sides, the Lok Adalat has arrived at the following
settlement and delivered the following :

**AWARD UNDER SECTION 21 OF THE L.S.A. ACT.
1987**

The Petitioner and the concerned workman Sri Katta
Ravinder, S/o Anandham, E.No.2358687, having agreed to
the detailed proposals of the Management [Clauses (a) to
(g)], the contents of which are read over and explained to
him in his language and agreed by him by signing the
proposal sheet (enclosed to the Award), the Respondent
is directed to take him back to duty forthwith as, Badli Coal
Filler afresh wherever coal filling is available.

This LCID is disposed of accordingly.

In agreement of the above, the parties/counsel have
affixed their signature/thumb impressions in the presence
of the members of this Lok Adalat Bench.

Signature of Applicant(s) Signature of Respondent(s)

Signature of Counsel for Applicant(s)

Signature of Counsel for
Respondent(s)

Signature of Members of the Bench.

1. _____ 2. _____

Note: This Award is final and binding on all the parties
and no appeal shall lie to any court as per Sec. 21(2) of the
LSA Act, 1987.

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
HYDERABAD.**

LCID NO. 75/06

Proposals of the management:

In order to have speedy and effective settlement of
the cases before the Hon'ble Tribunal, Management of
Singareni Collieries Co.Ltd. agrees to put forth the following
proposals:

- (a) Absenteeism cases pending before Tribunal as fresh
appointment as Badli Coal Filler without back wages
and continuity of service subject to medical fitness
by Company Medical Board.
- (b) At least 100 musters in any of the two years of the
preceding 5 years of the dismissal.
- (c) Absenteeism apart from pending cases will be
considered only for such other cases provided
dismissal is on or after 1-6-2006. Cases not filed as
on 31-5-2006 will not be treated for consideration on
the ground of judicial precedents.
- (d) Irrespective of designations appointment will be as
BCF afresh on coal filling where coal filling is available
and need not be the same place where the workman
was last employed.
- (e) The observation of one year with minimum
mandatory 20 musters every month and review every
three months on coal filling only is absolutely
essential. In the event of any short fall of attendance
during the 3 months period, the services will be
terminated without any further notice and enquiry.
- (f) Any forced absenteeism on account of mine
accidents/natural disease, treatment taken at
Company's Hospitals will be deemed as attendance
during the trial period.
- (g) All other usual terms and conditions of appointment
will be applicable i.e. transfer, hours of work, days of
rest, holidays etc., for appointment afresh.

The Hon'ble Members may kindly take note of the
above and pass consent award under Section 21 of LSA
Act 1987.

DGM(LAW)HYD

नई दिल्ली, 26 दिसम्बर, 2006

का.आ. 135.-औद्योगिक विवाद अधिनियम, 1947 (1947
का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल.
के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच,
अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक
अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 277/2000) को प्रकाशित
करती है, जो केन्द्रीय सरकार को 26-12-2006 को प्राप्त हुआ था।

[सं. एल-22012/447/1999-आई आर (सी-11)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 26th December, 2006

S.O. 135.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 277/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on 26-12-2006.

[No. L-22012/447/99-IR (C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE SHRI A. N. YADAV, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. NGP/277/2000

Date 07/12/2006

Petitioner Shri Rajaram, s/o Lalji Sidar

Party No.1 Through the Secretary, Samyukta Koyla Mazdoor Sangh [AITUC], C/o SECL, Balagi Branch, Po. Balaji colliery, Distt. Korba [MP].

Versus

Respondent The Sub Area Manager SECL,

Party No.2 Balagi Project, Po. Balaji Colliery, Distt. Korba [MP] 495 455.

AWARD

[Dated: 7th December 2006]

1. The Central Government after satisfying the existence of disputes between Shri Rajaram s/o Lalji Sidar, Through the Secretary, Samyukta Koyla Mazdoor Sangh [AITUC], C/o SECL, Balagi Branch, P.O. Balagi Colliery, Distt. Korba [MP] Party No.- 1 and The Sub Area Manager, SECL, Balagi Project, P.O. Balagi Colliery, Distt. Korba [MP] 495 455 Party No.2 referred the same for adjudication to this Tribunal *vide* its Letter No. L-22012/447/99-IR (C-II) Dtd. 19/09/2000 under clause (d) of sub section (1) and sub section (2A) of Section 10 of Industrial Dispute Act, 1947 [14 of 1947] with the following schedule.

2. "Whether the action of the management of Balagi Project, SECL, in denying promotion to Shri Raja Ram Sidar, in Cat. IV, w.e.f. 05/12/1994, i.e. the date from which his junior, Shri Ghanshyam Tripathi was given promotion in Cat. IV is justified? If not to what relief the workman is entitled?"

3. The dispute came up for hearing on 07 / 12/2006 today the case is fixed for Cross examination of the workman nobody either on petitioner side or from the management is present. The perusal of record indicates that nobody is attending the court on behalf of the petitioner right from 2002 and most precisely from 29/04/2002. On that day the representative of the management was present for cross-examining the Petitioner. However, the petitioner was absent and the case was adjourned for the cross-

examination of the petitioner himself. Later on the Petitioner never turned to the court and the case continued for cross-examination of the petitioner right from April 2002. The counsel for the respondent occasionally appeared today he was present, but the Petitioner did not attend the court and offered himself for the cross-examination. Thus it is pending for the cross-examination for more than 4 years. I do not think it proper to continue for the same purpose even after lapse of the consideration period. There are no reason also for keeping it unnecessarily pending as the parties are not taking any interest. In such circumstances the petition is disposed of for default of the petitioner. Its stands as dismissed. No order has to be caused. Hence the dispute is answered that the action of the management is proper and the petitioner is not entitled for any relief.

Hence this award.

Dated: 07/12/2006

A.N. YADAV, Presiding Officer

नई दिल्ली, 29 दिसम्बर, 2006

का.आ. 136.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, नई दिल्ली के पंचाट (संदर्भ संख्या 27/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-12-2006 को प्राप्त हुआ था।

[सं. एल-12012/141/98-आई आर (बी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 29th December, 2006

S.O. 136.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 27/1999) of the Central Government Industrial Tribunal-cum-Labour Court-II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 28-12-2006.

[No. I-12012/141/98-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER: CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT -II, NEW DELHI**

Presiding Officer : R.N. Rai.

I.D. No.27/1999

IN THE MATTER OF:-

Shri Bijender Kumar,

S/o. Shri Kirt Ram,

R/o. 96/1 Peer Baba Road,

Jawahar Nagar, Jagadari Workshop,

Yamuna Nagar - 135 001.

Versus

1. The Branch Manager,
State Bank of India,
Alum, Distt: Muzaffarnagar.
2. The Assistant General Manager,
State Bank of India,
Regional Office Garh Road, Meerut (UP).
3. The Chief General Manager,
State Bank of India,
Head Office Sansad Marg, New Delhi.

AWARD

The Ministry of Labour by its letter NO.L-12012/141/98/IR (B-1) Central Government dtd. 31-12-1998 has referred the following point for adjudication.

The point runs as hereunder:-

“Whether the action of the management of State Bank of India, Alum, District: Muzaffarnagar in terminating the services of Shri Bijender Kumar, Ex. Messenger/General labour w.e.f. 25-4-1997 is just, fair and legal? If not, what relief he is entitled to.”

The workman applicant has filed claim statement. It has been stated therein that the workman was engaged by respondent No.1 on a regular post of Messenger and General Peon and he has discharged his duties up to 14-4-1997 regularly without any interruption and break.

That the claimant besides performing the duties of messenger was engaged for the duties outside the bank premises and sometimes in the absence of clerk he was asked to do the job of clerk.

That the management paid him Rs. 500 per month. This money was paid by the management to the workman. That the claimant complained verbally and in writing several times for making payment as per the rules but respondent No.1 did not pay any heed to his requests.

That the claimant performed his duties to the entire satisfaction of the management and there was no occasion for any complaint.

That as per the agreement between the All India State Bank Federation and the management of SBI it has been agreed that every daily wagers who has performed duties for more than 30 days will be called for interview and he would be regularized considering his period of engagement in between 1-7-1975 to 4-8-1991.

That the claimant sent application in proper proforma for his engagement on regular basis but no action was taken. That the claimant has worked regularly for 6 years under the control and supervision of the defendant No.1 at the post of messenger but defendant No.1 deliberately did not pay him wages as per the rules and treated him as canteen boy.

That the applications of the workman for regular appointment have not been considered by the management

and he has not been called for interview and his name has not been included in the panel of casual employees.

That no charge sheet was issued to the workman and payment has not been made to him as per the rules. That the management has acted in violation of ID Act, 1947. So the termination of the workman is absolutely illegal.

That the post on which the workman worked is still existing and several employees have been taken on that post. That the workman tried his best to get him enrolled but the management did not take any action. He was mentally tortured. He is unemployed and not in a position to maintain his family.

The management has filed written statement. In the written statement it has been stated that the applicant was only a Tea Boy, who took up the job of running the canteen at Alum Branch, State Bank of India, Distt. Muzaffarnagar from May, 1991 to April, 1997. He was never employed by the bank on a job of messenger or clerk or in any other capacity by the State Bank of India as a workman or in any other capacity. The applicant is, therefore, not a workman as defined in Section 2 (s) of the ID Act, 1947 and the present order of reference is invalid and incompetent and the present dispute is not an industrial dispute.

That Shri Bijender Kumar was only a Tea Boy who had taken up the job of running the canteen at the Alum Branch of SBI. Still, the Central Government, without there being any conclusive material before, it has assumed in the order of reference that the referred applicant, Shri Bijender Kumar was our employee as ex-messenger/general labour and the SBI, Alum, Dist. Muzaffarnagar had terminated his services w.e.f. 25-4-1997. The reference has been made without any application of mind and without referring to the real dispute between the parties as to whether there existed any kind of relationship of master and servant between the SBI and Shri Bijender Kumar. Since the dispute has been referred mechanically and the real dispute has not been referred, the order of reference is void and bad in law.

The referred applicant used to prepare and serve tea to the staff at the Branch and pocketed the profits of the canteen himself. The role of the bank in this regard, can, at best, be termed as providing an incentive to any person to take up the work of operating a canteen on profit basis. There is, therefore, no question of the bank engaging the applicant as a messenger/general labour either on permanent basis or even on casual basis.

That it is categorically denied that the applicant ever worked either as a messenger or a clerk on the duties assigned by the bank. The entire allegations is cooked up and fabricated with ulterior motive. The referred applicant is put to strict proof of the allegation made in this para. It is further submitted that the management engages the services of all persons on casual basis for job of a runner boy or a labour as and when required and for that purpose are free to engage the services of even a Tea Boy but firstly, this

has to be done following the rules in existence for this purpose. From the records, it is absolutely clear that the management has not engaged the referred applicant as a casual messenger. There is no question of engaging the services of a Tea Boy as a clerk.

That it is denied that the applicant continued to work as messenger for six years, the same are absolutely false and baseless hence denied. It is reiterated that the applicant had only taken up the job of running the canteen and for this purpose, the bank was only providing subsidy @ Rs.500 per month to the LIC.

The workman applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

It transpires from perusal of the order sheet that the workman filed affidavit on 21-09-2005. The case was posted for the cross of the workman on 17-11-2005 but the workman was not present. It was again posted for cross of the workman on 21-12-2005. Adjournment was sought by the workman. On 02.01.2006 the workman was not present. On 18-05-2006 the workman sought adjournment. On 11th July, 2006 the evidence of the workman was taken and the case was posted for further evidence from the side of the workman. The workman was not present on 15-11-2006, 27-11-2006, 06-12-2006. His evidence was closed and argument was heard from the side of the management.

It was submitted from the side of the management that the workman was only a Tea Boy. He took the job of running the canteen at Alum Branch, BI, Muzaffarnagar from May, 1991 to April, 1997. He was never employed at the job of messenger or clerk or in any other capacity by the bank. He is not a workman u/s 2 (s) of the ID Act, 1947. He was only a Tea Boy. He was employed for canteen. The canteen is not a statutory canteen and the management has no obligation to run canteen. The workman was not even a casual labour of the bank.

The workman has admitted that he was paid Rs.500 and some subsidy was made for running the canteen. The salary paid to the workman indicates that he was not even a casual labour. He has not filed any paper regarding salary paid to him. He has filed papers of some receipts received by him. He was a canteen boy, so he may have been paid some amount to meet the expenses of the canteen.

The workman has admitted in his cross examination that he has not filed any proof of work for 240 days in the year of his working.

In view of the above it is clear admission of the workman that he has not filed any documentary proof to show that he has worked for 240 days. Section 25 - F of the ID Act, 1947 is not attracted. He was not entitled to retrenchment compensation and pay in lieu of notice. He is also not entitled to reinstatement.

The reference is replied thus: -

The action of the management of State Bank of India, Alam, District: Muzaffarnagar in terminating the services of Shri Bijender Kumar, Ex. Messenger/General labour w.e.f. 25-04-1997 is just, fair and legal. The workman applicant is not entitled to get any relief as prayed for.

Award is given accordingly.

Dated: 20-12-2006

R.N. RAI, Presiding Officer

नई दिल्ली, 29 दिसम्बर, 2006

का.आ. 137.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तमिलनाडु मर्कैटाईल बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलौर के पंचाट (संदर्भ संख्या 40/05) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-12-2006 को प्राप्त हुआ था।

[सं. एल-12012/39/04-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 29th December, 2006

S.O. 137.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 40/05) of the Central Government Industrial Tribunal/Labour Court, Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Tamilnad Mercantile Bank Ltd. and their workmen, which was received by the Central Government on 28-12-2006.

[No. L-12012/39/04-IR (B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE

Dated 6th December, 2006

PRESENT

Shri A.R. Siddiqui, Presiding Officer

C.R. No.40/2005

I PARTY

Shri V.S. Badal,
Plot No.80, Deva Nagar,
Old Jewargi Road,
Karnataka State,
Gulbarga -585102

II PARTY

The General Manager
(Personnel Department),
Tamilnad Mercantile
Bank Ltd.,
Head Office, 57, Ve Road,
Toothkudi, Tamilnadu,
Toothkudi- 628902

APPEARANCES

- 1st Party : Shri K.B. Narayanaswamy, Advocate.
 2nd Party : Shri R.G. Halesha, Advocate.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order. No. L-12012/39/2004-IR (B-1) dated 1st September 2005 for adjudication on the following schedule:

SCHEDULE

“Whether the action of the management of Tamilnadu Mercantile Bank Ltd., in relieving from the Bank's Services Shri V.S. Badal w.e.f the date of his resignation i.e. 8-6-2002 after conducting a departmental enquiry is just, fair and legal? If not, to what relief he is entitled to and from which date?”

2. The case of the first party workman as made out in the claim statement, briefly, stated is that he joined the services of the management on 28-11-1984 as a Clerk-Cum-Cashier and served in different branches of the management during his tenure in the bank; that while working in Gulbarga branch he had to be on leave from 13-5-2002 to 02-06-2002 on medical grounds and when he reported for duty he was served with a letter dated 3-6-2002 transferring him to Mangalore branch. By another letter dated 7-6-2002, he was informed that his absence from duty from 13-5-2002 to 15-5-2002 has been treated as break in service followed by several memos during the said period; that being deeply agitated over the treatment meted out to him by the management, he tendered his resignation letter dated 8-6-2002 but did not receive any communication from the management about the acceptance or rejection of his resignation. He wrote another letter dated 26-8-2002 to accept his resignation and relieve him of his duties but of no avail. On the other hand by order dated 24-8-2002, he was placed under suspension alleging commission of certain misconducts. Thereafter, by letter dated 28-8-2002 the management informed him that in view of the allegations made against him and in view of the pendency of the disciplinary action, his resignation was not accepted. Thus the management rejected the letter of resignation submitted by him; that thereupon, a charge sheet dated 24-9-2002 was issued to him alleging certain misconducts and he denied those charges vide letter dated 19-10-2002. However, Domestic Enquiry was held against him in total contravention of principles of natural justice under the service rules applicable to the bank employees. Then he was served with copy of the enquiry findings holding him guilty of Charge No.1 & 3 to which he submitted his objections. However, to his utter shock he received the letter dated 17-3-2003 signed by the Dy. General Manager (Personnel Department) stating that though the charges alleged against him were proved in the enquiry, the management was not taking any disciplinary action against him in view of his resignation and that his resignation letter dated 08-06-2002 was accepted from the said date

retrospectively and relieved him from services w.e.f. 08-06-2002. He protested against the said letter on the ground that his resignation letter earlier could not have been acted upon having been spent itself by that time. However, the management rejected his contention vide letter dated 17-4-2003 and his appeal to the General Manager for his reinstatement in service also came to be rejected compelling him to raise an industrial dispute. He contended that the action of the management in acting upon the letter of resignation dated 8-06-2002 and on 17-3-2003 and thereby terminating his services was only unjust, illegal and malafide. He contended that when his resignation letter dated 8-06-2002 was not accepted by the management and disciplinary proceedings were taken against him, his services could not have been terminated after concluding the disciplinary proceedings that too not acting upon the findings of the enquiry officer holding him guilty of the charges as noted above. He also contended that his resignation letter dated 8-06-2002 could not have been acted upon with retrospective effect after having conducted the enquiry against him till 16-3-2003 as there was employer & employee relationship existed between the management and him till 17-3-2003. Therefore, the action of the management amounts to termination of the services without holding any enquiry at all and without following the mandatory provisions of ID Act and therefore, is liable to be set aside as arbitrary, unjust and illegal and in the result, he is entitled to be reinstated in service with full back wages, continuity of service and all other consequential benefits.

3. The management by its Counter Statement while disputing the fact that it harassed the first party in different forms, however, admitted that the first party tendered resignation letter dated 8-6-2002 and reminder letter dated 26-08-2002. It further admitted that the first party was placed under suspension pending enquiry vide order dated 24-08-2002 and was issued a letter dated 28-08-2002 stating that in view of the pendency of the disciplinary proceedings, his resignation could not be accepted. The management then contended that there upon, disciplinary action was taken against the first party by issuing a charge sheet. DE was conducted and copy of the findings of the enquiry officer holding him guilty of the charges was served upon the first party. The first party by his reply dated 20-03-2003 contended that after his resignation disciplinary action could not have been taken against him and that on the completion of the disciplinary action, his resignation could not have been accepted and to that the management by letter dated 17-03-2003 informed that his resignation was accepted and he was relieved from his services w.e.f. the date of his resignation. The management contended that by letter dated 28-8-2002, it was just stated that in view of the pendency of the disciplinary action his resignation was not accepted and infact, the management did not reject his resignation letter and it is after completion of the disciplinary proceedings his resignation was accepted and he was relieved from duties vide order dated 17-03-2003.

Therefore, the above said order is just and valid. The management further contended that as per the agreement dated 19.4.1985 between the first party and the management at the time of confirmation in service, the first party should have given 3 months notice before leaving the services by way of resignation and there was no condition in the agreement that the resignation would be effective only on its acceptance by the management. Therefore, it is to be understood that the resignation letter would take effect on expiry of three months as per the terms of the agreement. Management contended that in view of the contention taken by the first party that the management has got no powers to issue the charge sheet after he submitted his resignation letter, now he cannot be allowed to contend that the action of the management in accepting his resignation is illegal. The management lastly, contended that the dispute raised by the first party is not a case of termination of service but a case of resignation from service and therefore, does not come under the meaning of Section 2A of the I.D. Act and in the result, he is not entitled to any relief.

4. During the course of trial, the management filed affidavit of one Mr. S. Vakasubramanian said to be the Chief Officer of the Personnel Department and in his further examination chief got marked 5 documents at Ex.M1 to M5.

5. The first party as a rebuttal also filed his affidavit by way of examination chief and got marked 14 documents at Ex.W1 to W14.

6. From the pleadings of the parties, and the oral and documentary evidence produced by them, the facts undisputed are that the first party tendered his resignation letter dated 8.06.2002 and by his second letter dated 26.8.2002 reminded the management about the acceptance of the above said letter. It is not in dispute that pending acceptance of the above said resignation letter, the management placed the first party under suspension pending enquiry *vide* letter dated 24.8.2002 and thereupon, by letter dated 28.8.2002 intimated the first party that in view of the pendency of the disciplinary action his resignation could not be accepted. It is again not in dispute that there upon, enquiry proceedings were initiated against the first party holding a domestic enquiry and on the conclusion of the enquiry, findings were submitted by the enquiry officer holding the first party guilty of charge No. 1 & 3 levelled in the charge sheet. It is undisputed that a second show cause notice dated 3.3.2003 was issued to the first party by the management along with the copy of the enquiry report and the first party gave his reply to the said notice saying that after his resignation disciplinary action could not have been taken against him and that after having taken disciplinary action, the management could not have accepted his resignation letter. It is not in dispute that the management did not act upon the findings of the enquiry officer holding the first party guilty of the charges and instead accepted the above said resignation letter retrospectively and relieved him from his services. Now, therefore, the only question to be considered would

be whether the management was justified in relieving the first party from his duties accepting his resignation letter dated 8.6.2002 after conducting a departmental enquiry when undisputedly it did not act upon the above said resignation letter on the ground that enquiry proceedings were pending against the first party.

7. Learned counsel for the Second Party, vehemently, argued that the resignation letter dated 8.06.2002 submitted by the first party was pending acceptance, pending disciplinary action against him and therefore, there was no illegality committed by the management in accepting the said resignation letter after concluding the enquiry proceedings not taking any action in pursuance to the enquiry findings holding him guilty of the charges. He submitted that the first party infact reminded the management by his letter dated 26.8.2002 to accept his resignation letter and acted upon his resignation claiming service benefits as per Ex.M3 (Ex.W9) and therefore, he is now estopped from contending that his resignation could not have been accepted after the conclusion of the enquiry proceedings.

8. Whereas, learned counsel for the first party argued that resignation letter dated 8.06.2002 was no more in existence after the management by its letter dated 28.8.2002, in no uncertain terms rejected the resignation letter on the ground of pendency of disciplinary proceedings. He submitted that the management at the most could have proceeded against the first party and could have imposed any kind of punishment after he was found guilty of the charges of misconduct in pursuance to the DE conducted against him but could not have accepted the resignation letter which spent itself by the time it was accepted. He also contended that resignation letter could not have been accepted retrospectively as the relationship of employer and employee existed all along till, such a resignation letter was accepted. In support of his arguments that the management was not justified in accepting the above said resignation letter either prospectively or retrospectively. Learned counsel relied upon the decision of Rajasthan High Court reported in 1991 LLR-364- Virendra Chand Vs. The Thar Anchalic Gramin Bank and another and a decision reported in 1995 III LLJ (Supp) Page 852 Gauhati High Court.

9. After having gone through the records, the fact undisputed referred to supra and the principles laid down by his Lordship of Rajasthan High Court I find substance in the arguments advanced for the first party. His Lordship of Rajasthan High Court under the similar facts and circumstances of the case at Para 6 of the decision laid down the principle as under:—

“When, the petitioner gave the resignation and the same was not accepted for one reason or the other then the option of the Bank to accept the resignation of the petitioner had come to an end. It was plain and simple offer by the petitioner, which if the bank wanted could have accepted and relieved the

petitioner. But the bank by consistent communications has declined to accept the resignation of the petitioner, may be on account of the pendency of the disciplinary proceedings or that the petitioner did not give sufficient notice. Therefore, the offer of the Petitioner to resign from service was declined by the bank. Once the respondent bank has declined to accept the offer of the petitioner to resign from the service of the bank the entire chapter of resignation has come to an end. It was never the case of the respondent bank that his resignation will be accepted after termination of the enquiry. The respondent bank has refused to accept the offer of the petitioner to accept his resignation on account of the pendency of the disciplinary proceedings. Once they exercised their option not to accept the resignation of the petitioner now it does not lie in their mouth to turn back and utilize that offer of the petitioner by accepting the resignation and terminate the services of the petitioner. This action of the respondent bank cannot be countenance."

10. Therefore, from the reading of the aforesaid passage of the decision, it becomes crystal clear that when the resignation of the first party was not accepted for one reason or the other (in the instant case on account of pendency of the enquiry proceedings) then the management has got no option or right to accept the resignation which had come to an end. It was further held that once the management has declined to accept the offer of the Petitioner (first party in this case) to resign from the service of the bank, the entire chapter of the resignation has come to an end. His Lordship further held the view that when it was not the case of the management that it will accept the resignation after termination of the enquiry, then, it cannot exercise its option or right to accept the resignation after conducting of the enquiry. As could be read from the facts and circumstances of the case reported in the said decision, they were quite similar to the facts and circumstances involved in the instant case. In the present case also the management refused to accept the resignation letter by writing a letter dated 28-8-2002 on the ground that enquiry proceedings were pending against him and there was no mention in the said letter that his resignation letter will be accepted after the conclusion of the enquiry. The contention of the management that as per the agreement between the management and the first party 3 months notice was necessary for submitting his resignation letter and that there was no condition under the said agreement that resignation should have been accepted by the management, again, would fail to carry much weight as similar contention was taken by the management bank in the aforesaid decision and was rejected by the Hon'ble High Court. The contention of the management that the first party by the above said letter dated 26-8-2002 in fact acted upon his resignation seeking the service benefits is again of not much consequence as long as his resignation as such was

not accepted by the management. In the aforesaid case also the management had taken up the contention that the workman had accepted his termination by way of resignation and further approached the bank for giving an experience certificate and that was given to him and therefore, he cannot challenge termination of his services. His Lordship of Rajasthan High Court also did not accept the said contention of the management and it is on the same analogy the contention of the management in the present case that after having claimed service benefits, the first party cannot challenge his resignation or termination has to be turned down. Therefore, as laid down in the aforesaid decision when once the management exercised its option not to accept the resignation of the first party, then it did not lie in its mouth to turn back and act upon the resignation letter of the first party by accepting the same and terminating his services, subsequently. In the result, there cannot be any hesitation in the mind of this tribunal to hold that termination of the services of the first party by accepting his aforesaid resignation letter was bad in law and therefore, is liable to be set aside as illegal and *void ab initio*. Therefore, in the light of the aforesaid findings setting aside his termination order, it goes without saying that the first party is entitled to be reinstated in service.

11. Now coming to the relief of back wages, in order to deny the back wages to the first party the primary burden was cast upon the management to establish before this tribunal that the first party has been gainfully employed when was out of the service of the management after he submitted his aforesaid resignation letter. No evidence as such has been led by the management on this point much less the affidavit of management witness is conspicuously silent on this fact. On the other hand the first party in his affidavit has stated that he has remained unemployed since the date of his termination from the services.

12. The next question to be considered would be as to from which date onwards the first party shall be paid back wages. His services were terminated w.e.f. 8.6.2002 and the present reference is made to this tribunal on 01.09.2005. The first party in his claim statement at Para 6 has stated that when he wrote letter dated 24.3.2003 to the management challenging the order accepting his resignation, his contention/challenge was rejected by the management by letter dated 17.4.2003. He then addressed a letter to the General Manager on 16.6.2003 by way of appeal and that also came to be rejected and then he raised the dispute before the ALC(C) concerned. What prevented the first party in raising the dispute immediately after his appeal was rejected or within reasonable time has not been explained by him either in the claim statement or in the affidavit filed by him. Therefore, he cannot be granted any back wages between the period from the date his appeal was rejected and the date on which the present reference is made. In result, I must hold that first party is entitled to full back wages from 8.6.2002 till 16.6.2003 and from 01.09.2005 till the date of his reinstatement. He shall not be entitled to any back wages between 17.6.2003 & 01.9.2005, with

continuity of service and other consequential benefits.
Hence the following award:

AWARD

The management is directed to reinstate the first party workman into its service with full back wages from 8.6.2002 till 16.6.2003 and from 1.9.2005 till the date of his reinstatement. He shall not be entitled to any back wages in between 17.6.2003 & 01.09.2005 however, with continuity of service and other consequential benefits from 8.6.2002 till the date of his reinstatement. No costs.

(Dictated to PA transcribed by her corrected and signed by me on 6th December 2006)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 4 जनवरी, 2007

का.आ. 138.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित है। औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 2547 दिनांक 20-06-2006 द्वारा सिक्कुरिटी पेपर मिल, होशंगाबाद जो कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 21 में शामिल है को उक्त अधिनियम प्रयोजनों के लिए दिनांक 7-7-2006 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (vi) के परन्तुक द्वारा

प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 7-1-2007 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. संख्या एस-11017/16/97-आई. आर. (पी. एल.)]

गुरजोत कौर, संयुक्त सचिव

New Delhi, the 4th January, 2007

S. O.138.—Whereas the Central Government having been satisfied that the public interest so requires that in pursuance of the provisions of sub-clause (vi) of the clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O.No 2547 dated 20-06-2006 the service in the Security Paper Mill, Hoshangabad which is covered by item 21 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 07th July, 2006.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a period of six months from the 7th January 2007.

[F.No.S. 11017/16/97-IR (PL)]

GURJOT KAUR, Jt. Secy.